





THE LEGISLATIVE GUIDE,

CONTAINING

ALL THE RULES FOR CONDUCTING BUSINESS IN CONGRESS;

JEFFERSON'S MANUAL;

AND

THE CITIZENS' MANUAL,

INCLUDING A CONCISE SYSTEM OF RULES OF ORDER FOUNDED ON CONGRESSIONAL
PROCEEDINGS:

WITH

COPIOUS NOTES AND MARGINAL REFERENCES,

EXPLAINING

THE RULES AND THE AUTHORITY THEREFOR;

DESIGNED

TO ECONOMIZE TIME AND SECURE UNIFORMITY IN THE PROCEED-
INGS OF ALL DELIBERATIVE ASSEMBLIES,

AND ALSO

TO MEET THE WANTS OF EVERY PRIVATE CITIZEN WHO DESIRES TO UNDERSTAND THE RIGHT
WAY TO TRANSACT PUBLIC BUSINESS.

BY

JOSEPH BARTLETT BURLEIGH, LL. D.

THIRD EDITION.

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P R E F A C E .

THE Author's attention was first called to the importance of a uniform system of rules for conducting public business, when presiding at the faculty meetings of a University, which were composed of members educated in the different States of the Union, and in different countries of Europe.

Questions sometimes arose in reference to the mode of conducting business, respecting which the members entertained various opinions. This led to an examination of works on Parliamentary practice, for there were none based on Congressional proceedings, and it was found that no two books were alike in all respects, that the rules of State Legislatures differed from each other, and from those of Congress, in matters where uniformity would add alike to the convenience of the members and the dispatch of business.

There are now more than thirty State Legislatures; each having its separate and distinct forms for conducting public business. After having visited most of those bodies during their sessions, the Author is of the opinion, that much time is needlessly lost for the want of a systematic and uniform standard.

No one can doubt but that the will of the majority is often defeated, and public business retarded, for the want of the general diffusion of, and the familiar acquaintance with, correct legislative forms of proceeding.

This Guide contains a full set of rules for conducting business in every association, of whatever name or character, from the lowest to the most exalted.

By these, a person having properly learned how to conduct the affairs of a small society or meeting of one kind, may know at once how to carry on that much of the proceedings of another body of larger size and greater scope, and a State legislator, on being transferred to Congress, will not be under the disagreeable necessity of unlearning anything he has acquired, and studying a new system of rules for conducting legislative business.

Entered, according to the Act of Congress, in the year 1852, by

JOSEPH BARTLETT BURLEIGH,

In the Clerk's Office of the District Court of the United States for the District of Maryland.

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DEPARTMENT OF STATE.
WASHINGTON, OCT. 1, 1850.

This is to certify, that Joseph Bartlett Burleigh's Script Edition of the U. S. Constitution with the Amendments, has been carefully collated with the originals in the Archives of this Department, and proved to be accurate in the CAPITALS, ORTHOGRAPHY, TEXT, and PUNCTUATION.

Dan Webster
SECRETARY OF STATE.

W. G. Berrick
CHIEF CLERK.

DEPARTMENT OF STATE.
WASHINGTON, OCTOBER 3, 1850.

I have carefully compared Burleigh's Script Edition of the American Constitution and the Amendments appended, with the original manuscript and the twelve Amendments, IN THE ORDER OF THEIR ADOPTION, and have found that it minutely delineates the original documents, with all their peculiarities.

It may be proper to add, that other Amendments have been proposed, but only the aforesaid twelve have been constitutionally ratified.

James Mackie
KEEPER OF THE ARCHIVES.

WASHINGTON, D. C., SEPT. 30, 1850.

I have critically compared Burleigh's Script Constitution of the United States, and all its Amendments, with the original documents deposited at the Department of State, and have found them in every respect alike, even to the minutest particular.

Josiah Melvin

PROOF-READER IN THE DEPARTMENT OF STATE.

THE following Script is an exact copy, in capitals, orthography, text, and punctuation, of the CONSTITUTION OF THE UNITED STATES OF AMERICA, as proposed by the Convention held at Philadelphia, September 17, 1787, and since ratified by the several States; with the Amendments thereto.

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Constitution established by the People.

Article. I.

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Of the Legislative power.

Representatives,
how chosen.

Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Qualification of Representatives

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Apportionment of Representatives and direct taxes.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of

free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia

Census every ten years.

ten, North Carolina five, South Carolina five, and Georgia three.

Vacancies,
how filled.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

Representatives
choose officers
and bring im-
peachments.

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

Senate,
how chosen.

Section. 3. The Senate of the United States shall be composed of two Senators from each State; chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Senators
classed.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first

Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

Vacancies,
how filled.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

Qualifica-
tions of Se-
nators.

The Vice President of the United

Vice Presi-
dent to
preside.

States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

Officers of
the Senate.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

Trial of
impeach-
ments.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment
on im-
peach-
ment.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualifica-

tion to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Effect of.

Section. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

Manner of electing members of Congress.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Congress assemble annually

Section. 5. Each House shall be the Judge of the Elections, Returns

Elections, how judged.

and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the

Quorum.

Absent
members.

Rules.

Expulsion.

Journals
to be kept
and pub-
lished.Y as and
Nays.

Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Adjourn-
ments.

Section. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

Compensation.

Privileges.

Members
not ap-
pointed to
office.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Officers of
govern-
ment can-
not be
members.

Revenue
bills.

Section. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Bills to be
presented
to the Pre-
sident.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall

His pow-
ers over
them.

sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it

Proceedings on his veto.

Bills to be laws if not returned in ten days

shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Joint orders or resolutions to be approved by the President.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Powers of Congress

Section. 8. The Congress shall have Power

To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Lay taxes—

Pay debts—

General welfare—

Duties uniform.

To borrow Money on the credit of the United States;

Borrow money.

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Commerce

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

Naturalization.

Bankruptcy.

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Coin money.

Weights and measures.

To provide for the Punishment of

Counterfeiting.

counterfeiting the Securities and current Coin of the United States ;

Post roads.

To establish Post Offices and post Roads ;

Promote
arts and
science.

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries ;

Inferior
courts.

To constitute Tribunals inferior to the supreme Court ;

Piracies,
&c.

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations ;

Declare
war, and
make cap-
tures.

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water ;

Raise ar-
mies.

To raise and support Armies, but no Appropriation of Money to that

Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

Navy.

To make Rules for the Government and Regulation of the land and naval Forces;

Rules and articles of war.

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Call out militia.

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Organize and govern militia

Officers militia.

To exercise exclusive Legislation in all Cases whatsoever, over such Dis=

Exclusive legislation over seat of Government.

trict (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

And over
forts, arse-
nals, docks
&c.

To make
general
laws to
carry pow-
ers into ef-
fect.

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Importa-
tion of
slaves al-
lowed till
1808

Section. 9. The Migration or Im-
portation of such Persons as any of
the States now existing shall think

proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Habeas corpus.

No Bill of Attainder or ex post facto Law shall be passed.

Attainder and ex post facto laws.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

Direct taxes.

No Tax or Duty shall be laid on Articles exported from any State.

No exportation duty.

No Preference shall be given by any Regulation of Commerce or Re-

Commerce between the States.

venue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

Money,
how drawn
from Treas-
ury.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

To be pub-
lished.

No nobili-
ty.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any Present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Foreign
presents
and titles.

Powers de-
nied to the
States.

Section. 10. No State shall enter

into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

Powers denied to the States.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

Other powers denied to States.

Further
denial of
powers to
States.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

President
United
States.

Section. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Electors,
how ap-
pointed.

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors,

equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible

This paragraph is no longer in force. It was rendered null and void by the 12th amendment, proposed at the 1st Session of the 5th Congress, Dec. 12, 1803, and adopted by the constitutional number of States in 1804. Public notice of which was given by the Secretary of State, Sept. 25, 1804.

Election and meeting of electors.

Who may be elected President.

For Vice-
Presid't,
See Sec.
xii. Am'ts.

to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In case of
removal,
death, &c.,
of the Pre-
sident his
powers de-
volve on
the Vice
President.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Compensa-
tion of Pre-
sident.

The President shall, at stated

Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

Section. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of

Require-
ments.

His oath.

Powers
and duties
of the Pre-
sident.

the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

Making
treaties

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall

Appoint-
ment of
public off-
cers.

be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Vacancies
in office

Section. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect

Further
powers
and duties
of the President.

Receive
ambassa-
dors, &c.

Commis-
sion offi-
cers

Impeach-
ment.

to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

Section. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III.

Of the Ju-
dicial pow-
ers.

Section. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The

Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Concerning the Judges.

Section. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens

Extent of the judicial power.

See Amendments, Art. xi.

of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Of original and appellate jurisdiction of the Supreme Court.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Trials by jury.

And where held.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes

shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

Treason.

Evidence.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

No corruption of blood.

Article. IV.

Acts of
State ac-
credited.

Section. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Privileges
of citizen-
ship.

Section. 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Fugitives
from jus-
tice to be
delivered
up.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Fugitive
slaves to
be deliv-
ered up.

Section. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

New
States

The Congress shall have Power to dispose of and make all needful Rules

Territory
and other
property of
U. States.

and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Republican form of government guaranteed to every State.

Protection of States.

Section. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article. V.

Amendments to this Constitution.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to

this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.

Proviso.

Article. VI.

Debts of
former
Govern-
ment re-
cognised.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

What con-
stitutes
the su-
preme law

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Judges
bound to
support.

Oath of
public offi-
cers to
support
the Con-
stitution.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and

all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a qualification to any Office or public Trust under the United States.

No religious test.

Article. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Ratification of the Constitution.

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of

When formed.

*the Independance of the United
States of America the Twelfth In
witness whereof We have hereunto
subscribed our Names,*

G.^o Washington — Presid^t.

and Deputy from Virginia

<i>New Hampshire</i>	{ <i>John Langdon</i> <i>Nicholas Gilman</i>
<i>Massachusetts</i>	{ <i>Nathaniel Gorham</i> <i>Rufus King</i>
<i>Connecticut</i>	{ <i>W^m. Sam^l. Johnson</i> <i>Roger Sherman</i>
<i>New York . . .</i>	<i>Alexander Hamilton</i>
<i>New Jersey</i>	{ <i>Wil: Livingston</i> <i>David Brearley.</i> <i>W^m. Paterson.</i> <i>Jona: Dayton</i> <i>B Franklin</i> <i>Thomas Mifflin</i> <i>Rob^t Morris</i>
<i>Pennsylvania</i>	{ <i>Geo Clymer</i> <i>Tho^s FitzSimons</i>

	{	Jared Ingersoll
		James Wilson
		Gouv Morris
	{	Geo: Read
		Gunning Bedford jun
Delaware		John Dickinson
		Richard Bassett
		Jaco: Broom
	{	James McHenry
Maryland		Dan of St ^h Tho ^s Jenifer
		Dan ^l Carroll
	{	John Blair—
Virginia		James Madison Jr.
		W ^m Blount
	{	Rich ^d Dobbs Spaight.
North Carolina		Hu Williamson
	{	J. Rutledge
		Charles Cotesworth Pinckney
South Carolina		Charles Pinckney
		Pierce Butler.
	{	William Few
Georgia		Abr Baldwin
Attest William Jackson Secretary		

Proposed
first Con-
gress.
First Ses-
sion March
4th 1789.

The following articles in addition to, and amendment of, the Constitution of the United States of America, have been ratified by the requisite number of States, and, pursuant to the fifth Article of the original Constitution, have become a part of that instrument.

Rights of
consci-
ence, free-
dom of the
press, &c.

~~~~~

*Article the first....Congress shall make no law respecting an establish-ment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.*

Right to  
bear arms.

*Article the second...A well regulated Militia, being necessary to the secu-rity of a free State, the right of the people to keep and bear Arms, shall not be infringed.*

Of quarter-  
ing  
troops.

*Article the third.....No Soldier shall, in time of peace be quartered in any house, without the consent of*



*the Owner, nor in time of war, but in a manner to be prescribed by law.*

*Article the fourth.....The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

Right to be secure from searches, general warrants, &c.

*Article the fifth.....No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall*

Indictments, punishments, &c.

Indict-  
ments,  
punish-  
ments, &c.

any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Trial in  
criminal  
cases, and  
the rights  
of a defend-  
ant.

Article the sixth.....In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have Compulsory process for obtaining Witnesses in

his favor, and to have the Assistance of Counsel for his defence.

Article the seventh.. In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Trials in civil cases.

Article the eighth... Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Bail and fines.

Article the ninth.. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Rights reserved.

Article the tenth..... The powers not delegated to the United States by the

Powers reserved to the States.

*Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*

*Article the eleventh....The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.*

*Article the twelfth...The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of*

Proposed at the first session of the third Congress March 5th. 1794; and declared to have been adopted by the Constitutional number of States, Jan. 8th. 1795.

Judicial power.

See Art. iii. sec. 2.

Proposed Dec. 12th. 1803; and declared to have been adopted Sept. 25th. 1804.

Manner of electing the President and Vice-President.

*all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; —The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; —The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by*

Manner of  
electing  
the President  
and  
Vice-President.



Manner of  
electing  
the Presi-  
dent and  
Vice-Pres-  
ident.

ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—— The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a

majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Manner of electing the President and Vice-President.

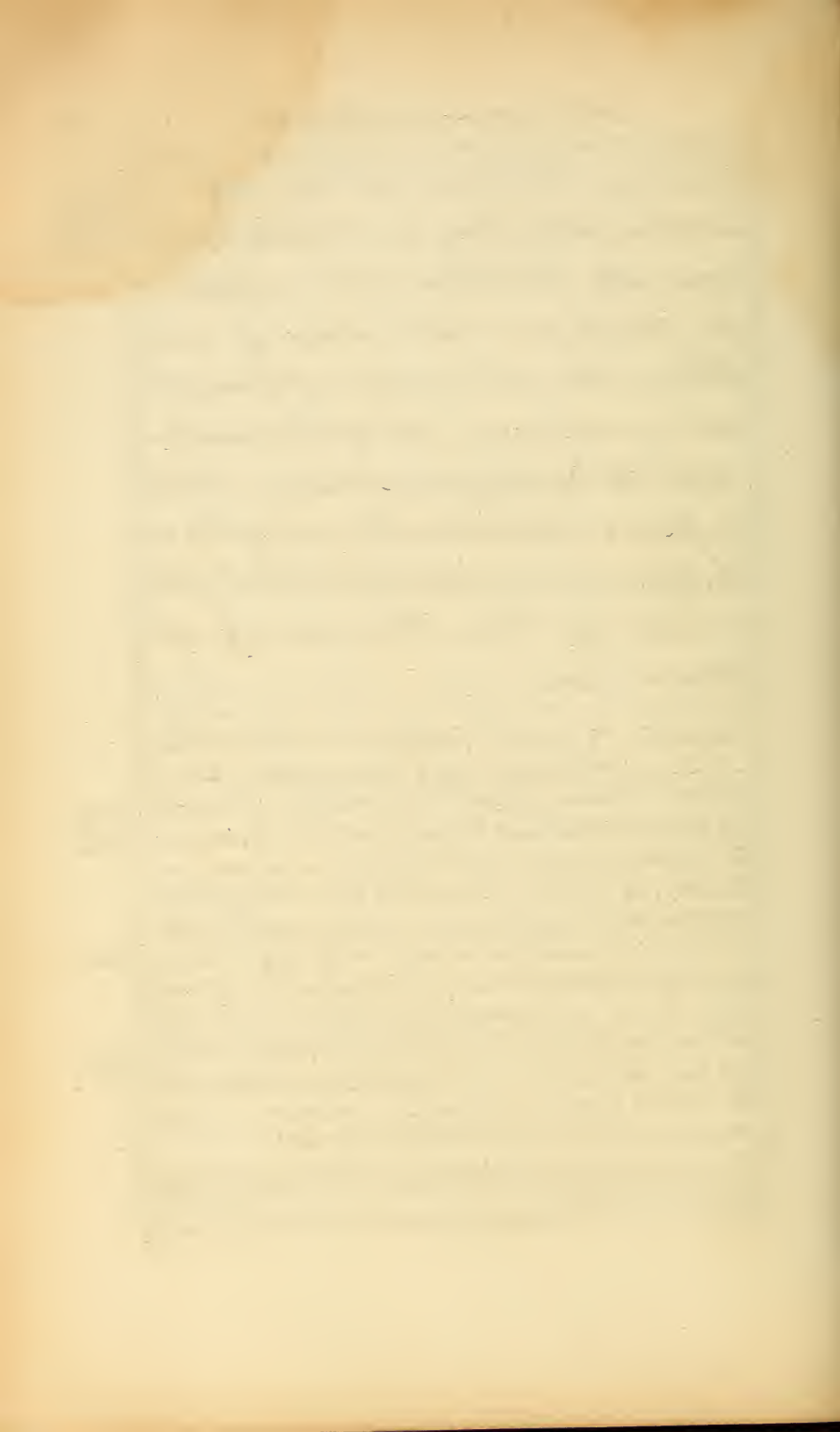
Agreeable to the third paragraph of Art. II. Section I. of the original Constitution, Congress passed a law on the 23rd. of January, 1845, "that the electors of President and Vice-President shall be appointed in each state on the Tuesday next after the first Monday in the month of November of the year in which they are to be appointed. *Provided*, That each state may by law provide for the filling of any vacancy or vacancies which may occur in its college of electors when such college meets to give its electoral vote. *And provided also*, When any state shall have held an election for the purpose of choosing electors, and shall fail to make a choice on the day aforesaid, then the electors may be appointed on a subsequent day in such manner as the state shall by law provide."

Election day determined by Congress.

Vacancies.

In case of no election.

*Note.* The Articles in addition to, and amendment of, the Constitution, have been numbered in the order of their adoption, (not as proposed). The 11th and 12th Articles were written on separate pieces of parchment, and were not numbered, when proposed; they have assumed the above titles by their adoption.



## INDEX

TO THE

## CONSTITUTION OF THE UNITED STATES.

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\* A stands for AMENDMENT.

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† Amendment.



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\* A stands for AMENDMENT.

|                                                                                                                                                                                                                                            | Art. | Sec. | Page |
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| I.                                                                                                                                                                                                                                         |      |      |      |
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\* A stands for AMENDMENT.

|                                                                                                                               | Art. | Sec. | Page |
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| “ to be commanded by President -                                                                                              | 2    | 2    | 27   |
| “ their right to keep and bear arms secured -                                                                                 | 2    | A*   | 42   |
| MONEY shall be drawn from the treasury, only by appropriation laws -                                                          | 1    | 9    | 22   |
| “ Congress to coin and regulate value -                                                                                       | 1    | 8    | 17   |
| “ States cannot make -                                                                                                        | 1    | 10   | 23   |
| N.                                                                                                                            |      |      |      |
| NATURALIZATION, uniform rules -                                                                                               | 1    | 8    | 17   |
| NAVY, Congress to provide and govern -                                                                                        | 1    | 8    | 19   |
| NOBILITY, titles of, shall not be granted by the U. States -                                                                  | 1    | 9    | 22   |
| nor by the States -                                                                                                           | 1    | 10   | 23   |
| O.                                                                                                                            |      |      |      |
| OFFICERS, of House of Representatives shall be chosen by the House -                                                          | 1    | 2    | 8    |
| “ of the Senate shall be chosen by the Senate -                                                                               | 1    | 3    | 10   |
| “ civil, may be removed by impeachment -                                                                                      | 2    | 4    | 30   |
| ORDER of one House, requiring the concurrence of the other -                                                                  | 1    | 7    | 16   |

\* A stands for AMENDMENT.

|                                                                                                                                          | Art. | Sec. | Page |
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| OATH, of the President - - - - -                                                                                                         | 2    | 1    | 27   |
| “ of the public officers - - - - -                                                                                                       | 6    | 1    | 38   |
| P.                                                                                                                                       |      |      |      |
| PARDONS, President may grant - - - - -                                                                                                   | 2    | 2    | 28   |
| PATENTS to be granted to inventors - - - - -                                                                                             | 1    | 8    | 18   |
| PETITION, right of - - - - -                                                                                                             | 1    | A*   | 42   |
| PERSONS held to labor or service, their importation or mi-<br>gration into the United States may be prohib-<br>ited after 1808 - - - - - | 1    | 9    | 20   |
| “ escaping from one State to another, shall be de-<br>livered up to those entitled to service - - - - -                                  | 4    | 2    | 37   |
| PIRACY, Congress to prescribe punishment - - - - -                                                                                       | 1    | 8    | 18   |
| POST OFFICES AND POST ROADS, establishment of - - - - -                                                                                  | 1    | 8    | 18   |
| POWERS not delegated to Congress, nor prohibited to the<br>States, are reserved. (See also i. Wheat. 325.)                               | 10   | A*   | 45   |
| “ Legislative. (See <i>Congress</i> .)                                                                                                   |      |      |      |
| “ Executive. (See <i>President</i> .)                                                                                                    |      |      |      |
| “ Judicial. (See <i>Judicial</i> .)                                                                                                      |      |      |      |
| PREAMBLE. (See also i. Wheat. 324, and v. Wheat. 420.)                                                                                   |      |      | 5    |
| PRESENTS from foreign powers to public officers prohibited                                                                               | 1    | 9    | 22   |
| PRESS, freedom of - - - - -                                                                                                              | 1    | A*   | 42   |
| PRESIDENT OF THE U. S. vested with the Executive power                                                                                   | 2    | 1    | 24   |
| “ “ shall be chosen for four years - - - - -                                                                                             | 2    | 1    | 24   |
| “ “ how elected - - - - -                                                                                                                | 2    | 1    | 24   |
| “ “ same - - - - -                                                                                                                       | 12   | A*   | 46   |
| “ “ qualifications for - - - - -                                                                                                         | 2    | 1    | 25   |
| “ “ who shall act in case of vacancy                                                                                                     | 2    | 1    | 26   |
| “ “ compensation of - - - - -                                                                                                            | 2    | 1    | 26   |
| “ “ shall take an oath of office - - - - -                                                                                               | 2    | 1    | 27   |
| “ “ may be removed by impeachment                                                                                                        | 2    | 4    | 30   |
| PRESIDENT, commander of army, navy, and militia - - - - -                                                                                | 2    | 2    | 27   |
| “ may require the written opinions of the heads<br>of Departments - - - - -                                                              | 2    | 2    | 28   |
| “ may reprieve and pardon - - - - -                                                                                                      | 2    | 2    | 28   |
| “ may make treaties, with consent of the Senate                                                                                          | 2    | 2    | 28   |
| “ may appoint to office, with the consent of the<br>Senate - - - - -                                                                     | 2    | 2    | 28   |
| “ shall fill up vacancies happening during the re-<br>cess of the Senate - - - - -                                                       | 2    | 2    | 29   |
| “ shall give information to Congress, and recom-<br>mend measures - - - - -                                                              | 2    | 3    | 29   |

\* A stands for AMENDMENT.



|                                                                                                                                         | Art. | Sec. | Page |
|-----------------------------------------------------------------------------------------------------------------------------------------|------|------|------|
| PRESIDENT may convene both Houses, or either House -                                                                                    | 2    | 3    | 29   |
| “ may adjourn them in case of disagreement -                                                                                            | 2    | 3    | 29   |
| “ shall receive ambassadors and public ministers -                                                                                      | 2    | 3    | 30   |
| “ shall take care that the laws be faithfully executed - - - - -                                                                        | 2    | 3    | 30   |
| “ shall commission all officers. (See also i. Cranch, 137.)                                                                             | 2    | 3    | 30   |
| PRIVILEGES and immunities of members of Congress -                                                                                      | 1    | 6    | 13   |
| “ of citizens. (See <i>Citizens</i> , also <i>Rights</i> .)                                                                             |      |      |      |
| PROPERTY, Congress to provide for care of public property -                                                                             | 4    | 3    | 36   |
| “ shall not be taken for public use without just compensation - - - - -                                                                 | 5    | A*   | 43   |
| PUNISHMENTS, cruel and unusual, prohibited - - - - -                                                                                    | 8    | A*   | 45   |
| Q.                                                                                                                                      |      |      |      |
| QUORUM, for business, what shall be - - - - -                                                                                           | 1    | 5    | 12   |
| “ of States, in choosing a President by the House of Representatives - - - - -                                                          | 12   | A*   | 48   |
| QUARTERED, no soldier to be quartered on a citizen - - - - -                                                                            | 3    | A*   | 42   |
| R.                                                                                                                                      |      |      |      |
| RECEIPTS and expenditures, accounts of, to be published -                                                                               | 1    | 9    | 22   |
| RECORDS, how to be authenticated. (See also vii. Cranch, 481; iii. Wheat. 234; vi. Wheat. 129; i. Pet. 81, 352; x. Serg. & Rawle, 242.) | 4    | 1    | 34   |
| RELIGION, no law to be made, free exercise of. (See also iii. Yeates, 520.)                                                             | 1    | A*   | 42   |
| “ religious test not required - - - - -                                                                                                 | 6    | 3    | 39   |
| REPRIEVES, granted by the President - - - - -                                                                                           | 2    | 2    | 28   |
| REPRESENTATIVES, HOUSE OF, composed of members chosen every second year. (See also v. Wheat. 422.)                                      | 1    | 2    | 6    |
| “ “ qualifications of inhabitants -                                                                                                     | 1    | 2    | 7    |
| “ “ qualifications of members -                                                                                                         | 1    | 2    | 6    |
| “ “ apportionment of - - - - -                                                                                                          | 1    | 2    | 6    |
| “ “ vacancies, how supplied -                                                                                                           | 1    | 2    | 8    |
| “ “ shall choose their officers -                                                                                                       | 1    | 2    | 8    |
| “ “ shall have the power of impeachment - - - - -                                                                                       | 1    | 2    | 8    |
| “ “ shall be the judge of the election and qualifications of its members - - - - -                                                      | 1    | 5    | 11   |

\* A stands for AMENDMENT.

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| REPRESENTATIVES, HOUSE OF, what shall be a quorum -                                                                 | 1    | 5    | 12   |
| “ “ any number may adjourn and compel the attendance of absentees - - -                                             | 1    | 5    | 12   |
| “ “ may determine the rules of proceeding - - -                                                                     | 1    | 5    | 12   |
| “ “ may punish or expel a member                                                                                    | 1    | 5    | 12   |
| “ “ shall keep a journal and publish the same - - -                                                                 | 1    | 5    | 12   |
| “ “ shall not adjourn for more than three days, nor to any other place, without the consent of the Senate -         | 1    | 5    | 13   |
| “ “ one-fifth may require the yeas and nays - - -                                                                   | 1    | 5    | 13   |
| “ “ shall originate bills for raising revenue - - -                                                                 | 1    | 7    | 14   |
| “ “ compensation to be ascertained by law - - -                                                                     | 1    | 6    | 13   |
| “ “ privileged from arrest, except in certain cases - - -                                                           | 1    | 6    | 13   |
| REPRESENTATIVES, shall not be questioned for speech or debate in the House - - -                                    | 1    | 6    | 13   |
| “ shall not be appointed to office - - -                                                                            | 1    | 6    | 14   |
| “ shall not serve as electors of President                                                                          | 2    | 1    | 25   |
| “ and direct taxes apportioned according to numbers. (See also v. Wheat. 317.)                                      | 1    | 2    | 6    |
| REPRESENTATION of a State, vacancies in, supplied until a new election by executive authority -                     | 1    | 2    | 8    |
| RESOLUTION, order, or vote, requiring the concurrence of both Houses, to undergo the formalities of bills - - - - - | 1    | 7    | 16   |
| REVENUE BILLS, to originate in House of Representatives -                                                           | 1    | 7    | 14   |
| RIGHTS OF THE CITIZEN declared to be—                                                                               |      |      |      |
| privileges of citizens of the several States - - - -                                                                | 4    | 2    | 34   |
| “ “ liberty of conscience in matters of religion - - - -                                                            | 1    | A*   | 42   |
| “ “ freedom of speech and of the press - - - - -                                                                    | 1    | A*   | 42   |
| “ “ to assemble and petition - - -                                                                                  | 1    | A*   | 42   |

\* A stands for AMENDMENT.

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| RIGHTS OF THE CITIZEN | to keep and bear arms              | - - -                                                                                                                                       | 1    | A*   | 42   |
| "                     | "                                  | to be exempt from the quartering<br>of soldiers - - -                                                                                       | 3    | A*   | 42   |
| "                     | "                                  | to be secure from unreasonable<br>searches and seizures. (See<br>also iii. Cranch, 448, 453; vi.<br>Binney, 316.)                           | 4    | A*   | 43   |
| "                     | "                                  | to be free from answering for a<br>crime, unless on presentment<br>or indictment of a jury - -                                              | 5    | A*   | 43   |
| "                     | "                                  | not to be twice jeopardized for the<br>same offence - - -                                                                                   | 5    | A*   | 44   |
| "                     | "                                  | not to be compelled to be a wit-<br>ness against himself - -                                                                                | 5    | A*   | 44   |
| "                     | "                                  | not to be deprived of life, liberty,<br>or property, without due course<br>of law - - -                                                     | 5    | A*   | 44   |
| "                     | "                                  | private property not to be taken<br>for public use - - -                                                                                    | 5    | A*   | 44   |
|                       |                                    | (See also iii. Yeates, 362; vi.<br>Binn. 509; ii. Dall. 312; i.<br>Serg. & R. 382; vi. Cowen,<br>530; vii. Pet. 243.)                       |      |      |      |
| "                     | "                                  | in criminal prosecutions, shall<br>enjoy the right of a speedy<br>trial by jury, with all the<br>means necessary for his de-<br>fence - - - | 6    | A*   | 44   |
| "                     | "                                  | in civil cases, trial to be by a jury,<br>and shall only be re-examined<br>according to common law -                                        | 7    | A*   | 45   |
| "                     | "                                  | excessive bail shall not be re-<br>quired, excessive fines imposed,<br>nor cruel or unusual punish-<br>ments inflicted - - -                | 8    | A*   | 45   |
| "                     | "                                  | enumeration of certain rights<br>shall not operate against re-<br>tained rights - - -                                                       | 9    | A*   | 45   |
| RULES,                | each House shall determine its own | - - -                                                                                                                                       | 1    | 5    | 12   |
| S.                    |                                    |                                                                                                                                             |      |      |      |
| SEAT OF GOVERNMENT,   | exclusive legislation              | - - -                                                                                                                                       | 1    | 8    | 19   |

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\* A stands for AMENDMENT.

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| SEARCHES AND SEIZURES, security against - - -                                                                                                                     | 4    | A*   | 43   |
| SENATE, composed of two Senators from each State -                                                                                                                | 1    | 3    | 8    |
| “ how chosen, classed, and terms of service -                                                                                                                     | 1    | 3    | 8    |
| “ qualifications of Senators - - -                                                                                                                                | 1    | 3    | 9    |
| “ Vice President to be President of - - -                                                                                                                         | 1    | 3    | 9    |
| “ shall choose their officers - - -                                                                                                                               | 1    | 3    | 10   |
| “ shall be the judge of the elections and qualifica-<br>tions of its members - - -                                                                                | 1    | 5    | 11   |
| “ what number shall be a quorum - - -                                                                                                                             | 1    | 5    | 12   |
| “ any number may adjourn, and compel attendance<br>of absentees - - -                                                                                             | 1    | 5    | 12   |
| “ may determine its rules - - -                                                                                                                                   | 1    | 5    | 12   |
| “ may punish or expel a member - - -                                                                                                                              | 1    | 5    | 12   |
| “ shall keep a journal and publish the same, except<br>parts requiring secrecy - - -                                                                              | 1    | 5    | 12   |
| “ shall not adjourn for more than three days, nor to<br>any other place, without the consent of the other<br>House - - -                                          | 1    | 5    | 13   |
| “ one-fifth may require the yeas and nays -                                                                                                                       | 1    | 5    | 12   |
| “ may propose amendments to bills for raising reve-<br>nue - - -                                                                                                  | 1    | 7    | 14   |
| “ shall try impeachments - - -                                                                                                                                    | 1    | 3    | 10   |
| “ effect of their judgment on impeachment -                                                                                                                       | 1    | 3    | 10   |
| “ compensation to be ascertained by law -                                                                                                                         | 1    | 6    | 13   |
| “ privileged from arrest - - -                                                                                                                                    | 1    | 6    | 13   |
| “ not questioned for any speech or debate -                                                                                                                       | 1    | 6    | 13   |
| “ shall not be appointed to office - - -                                                                                                                          | 1    | 6    | 14   |
| “ Senator shall not be elector - - -                                                                                                                              | 2    | 1    | 25   |
| SENATORS AND REPRESENTATIVES, elections of, how pre-<br>scribed - - -                                                                                             | 1    | 4    | 11   |
| SLAVES, their importation may be prohibited after 1808 -                                                                                                          | 1    | 9    | 20   |
| escaping from one State to another, may be re-<br>claimed. (See also ii. Serg. & Rawle, 206; 4<br>iii. S. & R. 4; v. 62; i. Wash. Circuit Court<br>Reports, 500.) | 4    | 2    | 35   |
| SOLDIERS not quartered on citizens - - -                                                                                                                          | 3    | A*   | 42   |
| SPEAKER, how chosen - - -                                                                                                                                         | 1    | 2    | 8    |
| SPEECH, freedom of - - -                                                                                                                                          | 1    | A*   | 42   |
| STATES PROHIBITED FROM—                                                                                                                                           |      |      |      |
| entering into treaty, alliance, or confederation;                                                                                                                 |      |      |      |
| granting letters of marque; coining money                                                                                                                         | 1    | 10   | 23   |

\* A stands for AMENDMENT.

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| <b>STATES PROHIBITED FROM—</b>                                                                                                                                                                                                                                                                              |      |      |      |
| emitting bills of credit; making anything a tender but gold and silver coin; passing bills of attainder, ex post facto laws, or laws impairing contract; granting titles of nobility - - -                                                                                                                  | 1    | 10   | 23   |
| laying duties on imports and exports. (See also iv. Wheat. 122, 209, 518; v. Wheat. 420; vi. Wheat. 131; viii. Wheat. 84, 92, 256, note 464; xii. Wheat. 213, 370; xvi. Johns, 233; xii. Mass. 16; vii. Johns, Ch. R. 297; ii. Cowen, 626; i. Rawle, 181; iv. Pet. 411, 514; vii. Pet. 469, viii. Pet. 40.) | 1    | 10   | 23   |
| laying duties on tonnage - - - - -                                                                                                                                                                                                                                                                          | 1    | 10   | 24   |
| keeping troops, or ships of war, in time of peace -                                                                                                                                                                                                                                                         | 1    | 10   | 24   |
| entering into any agreement or contract with another State, or a foreign power - - -                                                                                                                                                                                                                        | 1    | 10   | 24   |
| engaging in war - - - - -                                                                                                                                                                                                                                                                                   | 1    | 10   | 24   |
| STATES, new, may be admitted into the Union - -                                                                                                                                                                                                                                                             | 4    | 3    | 35   |
| “ may be formed within the jurisdiction of others, or by the junction of two or more, with the consent of Congress and the Legislatures concerned -                                                                                                                                                         | 4    | 3    | 35   |
| STATE JUDGES bound to consider treaties, the constitution, and the laws under it, as supreme - -                                                                                                                                                                                                            | 6    | 1    | 38   |
| STATE, guarantied a republican form of government; protected by United States - - - - -                                                                                                                                                                                                                     | 4    | 4    | 36   |
| SUPREME COURT. (See <i>Court</i> , and <i>Judiciary</i> .)                                                                                                                                                                                                                                                  |      |      |      |
| SUITS AT COMMON LAW, proceedings - - - - -                                                                                                                                                                                                                                                                  | 7    | A*   | 45   |
| <b>T.</b>                                                                                                                                                                                                                                                                                                   |      |      |      |
| TAX, DIRECT, according to representation - - -                                                                                                                                                                                                                                                              | 1    | 2    | 6    |
| “ shall be laid only in proportion to census -                                                                                                                                                                                                                                                              | 1    | 9    | 21   |
| (See also v. Wheat. 317; iii. Dall. 171.)                                                                                                                                                                                                                                                                   |      |      |      |
| TAX, on exports, prohibited - - - - -                                                                                                                                                                                                                                                                       | 1    | 9    | 21   |
| TENDER, what shall be a legal - - - - -                                                                                                                                                                                                                                                                     | 1    | 10   | 23   |
| TERRITORY, or public property, Congress may make rules concerning - - - - -                                                                                                                                                                                                                                 | 4    | 3    | 35   |
| TEST, religious, shall not be required - - - -                                                                                                                                                                                                                                                              | 6    | 1    | 39   |
| TITLES. (See <i>Nobility</i> .)                                                                                                                                                                                                                                                                             |      |      |      |
| TITLE from foreign State prohibited - - - -                                                                                                                                                                                                                                                                 | 1    | 9    | 22   |
| TREASON, defined - - - - -                                                                                                                                                                                                                                                                                  | 3    | 3    | 33   |
| “ two witnesses, or confession, necessary for conviction - - - - -                                                                                                                                                                                                                                          | 3    | 3    | 33   |
| * A stands for AMENDMENT                                                                                                                                                                                                                                                                                    |      |      |      |



|                                                         | Art. | Sec. | Page |
|---------------------------------------------------------|------|------|------|
| TREASON, punishment of, may be prescribed by Congress - | 3    | 3    | 33   |
| TREASURY, money drawn from, only by appropriation -     | 1    | 9    | 22   |
| TREATIES, how made - - - - -                            | 2    | 2    | 28   |
| “ the supreme law - - - - -                             | 6    | 1    | 38   |
| “ State cannot make - - - - -                           | 1    | 10   | 23   |

V.

|                                                                                              |    |    |    |
|----------------------------------------------------------------------------------------------|----|----|----|
| VACANCIES, happening during the recess, may be filled temporarily by the President - - - - - | 2  | 2  | 29 |
| “ in representation in Congress, how filled -                                                | 1  | 2  | 8  |
| VETO OF THE PRESIDENT, effect of, and proceedings on -                                       | 1  | 7  | 15 |
| VICE PRESIDENT OF THE UNITED STATES—                                                         |    |    |    |
| to be President of the Senate - - - - -                                                      | 1  | 3  | 9  |
| how elected - - - - -                                                                        | 2  | 1  | 24 |
| amendment - - - - -                                                                          | 12 | A* | 46 |
| shall, in certain cases, discharge the duties of President - - - - -                         | 2  | 1  | 26 |
| may be removed by impeachment - - - - -                                                      | 2  | 4  | 30 |
| VOTE OF ONE HOUSE, requiring concurrence of the other -                                      | 1  | 7  | 16 |

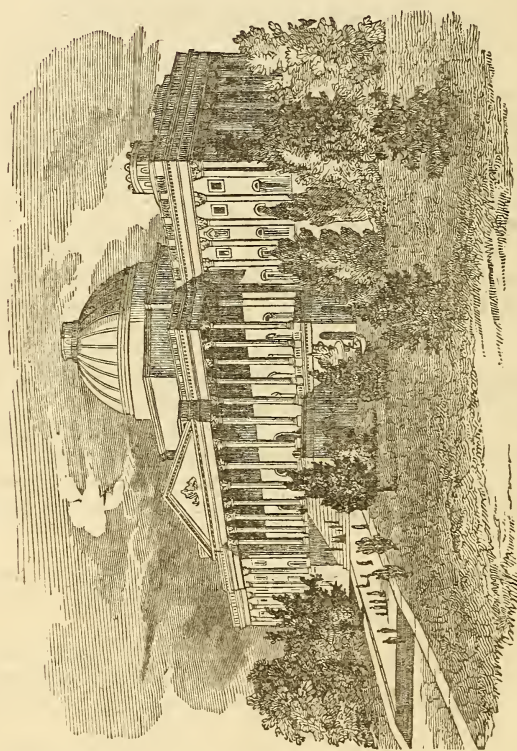
W.

|                                                                              |   |    |    |
|------------------------------------------------------------------------------|---|----|----|
| WAR, Congress to declare. (See also viii. Cranch, 110, 154.)                 | 1 | 8  | 18 |
| WARRANTS for searches and seizures, when and how they shall issue - - - - -  | 4 | A* | 43 |
| WITNESS, in criminal cases, no one compelled to be against himself - - - - - | 5 | A* | 44 |
| WEIGHTS AND MEASURES, standard of - - - - -                                  | 1 | 8  | 17 |

Y.

|                                             |   |   |    |
|---------------------------------------------|---|---|----|
| YEAS AND NAYS, entered on Journal - - - - - | 1 | 5 | 12 |
|---------------------------------------------|---|---|----|

\* A stands for AMENDMENT.



CAPITOL AT WASHINGTON.

# STANDING RULES AND ORDERS

FOR

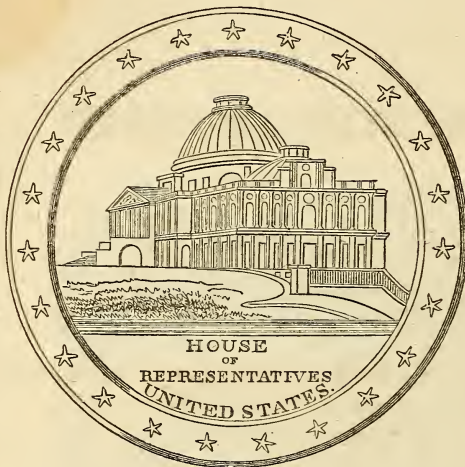
CONDUCTING BUSINESS IN THE HOUSE OF REPRESENTATIVES OF THE UNITED  
STATES, AND THE JOINT RULES AND ORDERS OF THE  
TWO HOUSES OF CONGRESS,

WITH

EXPLANATORY NOTES, AND THE TIME OF ADOPTION DESIGNATED  
OPPOSITE EACH RULE IN THE MARGIN.

AND

A COMPLETE INDEX



*Office House of Representatives, U. S.*

*Washington, August 16, 1851.*

I, RICHARD M. YOUNG, Clerk of the House of Representatives of the United States, Do hereby certify, that Joseph Bartlett Burleigh's edition of the RULES AND ORDERS OF THE HOUSE OF REPRESENTATIVES, and the JOINT RULES OF THE TWO HOUSES OF CONGRESS, has been carefully compared with the edition printed for the use of the House of Representatives, and found correct.

*Richard M. Young*

*Clerk of House of Rep's, U. S.*

*City of Washington, D. C.  
August 16, 1851.*

I have carefully compared Burleigh's edition of the RULES AND ORDERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, and the JOINT RULES OF THE TWO HOUSES OF CONGRESS, with the edition printed for the use of the House of Representatives, and found the same accurate.

DANL. BUCK,  
*Asst. Clk. Office House of Reps U. S.*

# STANDING RULES AND ORDERS

FOR CONDUCTING BUSINESS IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

WITH NOTES.

## TOUCHING THE DUTY OF THE SPEAKER.

RULE 1. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum,\* shall cause the Journal of the preceding day to be read.

R. 2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members; [on which appeal no member shall speak more than once, unless by leave of the House.†]

R. 3. He shall rise to put a question, but may state it sitting.

R. 4. Questions shall be distinctly put in this form, to wit:  
“As many as are of opinion that (as the question

ADOPTED.

April 7,  
1789.

April 7,  
1789.

Dec. 23,  
1811.

April 7,  
1789.

April 7,  
1789.

\* A majority of the House.—See U. S. Constitution, Article I., Sec. 5.

† Difficulties have often arisen as to a supposed discrepancy between the appeal contemplated in this rule and that referred to in rule 35. There is no discrepancy. The question of order mentioned in the second rule relates to motions or propositions, their applicability or relevancy, or their admissibility on the score of time, or in the order of business, &c. The “call to order” mentioned in rule 35, on which, in case of appeal, there can be no debate, has reference only to “transgressions of the rules in speaking,” or to indecorum of any kind. See also rule 51, in which debate on an appeal, pending a call for the previous question, is prohibited.



ADOPTED.

may be) say *Ay*,"\* and after the affirmative voice is expressed,

April 7,  
1789.

"As many as are of the contrary opinion, say *No*.\* If the Speaker doubt, or a division be called for, the House shall divide: those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.† If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative and negative ;‡ which being reported, he shall rise and state the decision to the House. [No division and count of the House by tellers shall be in order, but upon motion seconded by at least one-fifth of a quorum of the members.]

Sept. 15,  
1837.

Dec. 12,  
1817.

R. 5. When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put unless it is demanded by some member, or is deemed necessary by the Speaker.

Dec. 23,  
1811.

R. 6. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

Jan. 13,  
1790.

R. 7. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in

\* The U. S. Constitution prescribes *YEA* and *NAY*. Art. I, Sec. 5.

† The manner of dividing the House, as originally established by the rule of April 7, 1789, was, that the members who voted in the affirmative went to the right of the Chair, those in the negative to the left. This was, doubtless, taken from the old practice of the House of Commons in England. The passing of the members to and fro across the House was found so inconvenient, and took up so much time, that the mode of dividing the House was, on the 9th of June, 1789, changed to the present form, the members of each side of the question rising in their seats and being there counted.

‡ The two counters stand about three feet apart, in front of the SPEAKER'S desk. Every member voting in the affirmative passes between the counters. Also every member in the negative. This plan is both more expeditious and less liable to mistakes than any other method ever devised.

which case they shall be appointed by ballot,\* and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

R. 8. The first-named member of any committee shall be the chairman; and in his absence, or being excused by the House, the next named member, and so on, as often as the case shall happen, unless the committee, by a majority of their number, elect a chairman.†

Dec. 20,  
1805.

R. 9. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

April 13,  
1789.

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\* The rule, as originally adopted, April 7, 1789, directed that the Speaker should appoint all committees, unless the number was directed to consist of more than three members; in which case, the ballot was to be resorted to.

† The occasion of this rule was this: Mr. John Cotton Smith, of Connecticut, had been chairman of the Committee of Claims for several years, and, on the 5th November, 1804, was reappointed. On the succeeding day he was excused from service on the committee, and his colleague, Samuel W. Dana, was appointed "in his stead." The committee considered Mr. Dana its chairman; he declined to act, contending that he was the tail. Being unable to agree, the committee laid the case before the House on the 20th November. Up to this time, there was no rule or regulation as to the head of a committee; the *usage* had been that the first-named member acted; but it was *usage* only. The subject was referred to a committee. On the 22d November, 1804, the committee reported, and recommended that the first-named member be the chairman; and in case of his absence, or of his being excused by the House, the committee should appoint a chairman, by a majority of its votes. The House rejected this proposition. The Committee of Claims the next day notified the House that, unless some order was taken in the premises, no business could be done by the committee during the session; and thereupon, on the 20th December, 1805, the House adopted the above rule. In this case the Committee of Claims availed itself of the privilege contained in the last clause of the rule, and elected Mr. Dana chairman, much against his wishes.

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Dec. 20,  
1805.

R. 10. It shall be the duty of a committee to meet on the call of any two of its members, if the chairman be absent, or decline to appoint such meeting.

April 7,  
1789.

R. 11. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained. [And in all ballotings blanks shall be rejected, and not taken into the count in the enumeration of votes, or reported by the tellers.]

Sept. 15,  
1837.April 7,  
1789

R. 12. In all cases of ballot\* by the House, the Speaker shall vote; in other cases he shall not be required to vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.†

April 7,  
1789.

R. 13. In all cases where other than members of the House may be eligible to an office by the election of the House, there shall be a previous nomination.

Dec. 10,  
1839.

R. 14. In all cases of election by the House of its officers, the vote shall be taken *viva voce*.

Nov. 13,  
1794.

R. 15. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

March 14,  
1794.

R. 16. In case of any disturbance or disorderly conduct

\* The word here used, in the original formation of the rule, was *election*. On the 14th January, 1840, it was changed to the word *ballot*.

† On a very important question, taken December 9, 1803, on an amendment to the Constitution, so as to change the form of voting for President and Vice President, which required a vote of two-thirds, there appeared 83 in the affirmative, and 42 in the negative; it wanted one vote in the affirmative to make the constitutional majority. The Speaker, (Macon,) notwithstanding this prohibition of the rule, claimed and obtained his right to vote, and voted in the affirmative; and it was by that vote that the amendment to the Constitution was carried. The right of the Speaker, as a member of the House, to vote on all questions, is secured by the Constitution; no act of the House can take it from him, when he chooses to exercise it.

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in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

R. 17. No person except members of the Senate, their Secretary, Heads of Departments, Treasurer, Comptrollers, Register, Auditors, President's Secretary, Chaplains to Congress, Judges of the United States, Foreign Ministers and their Secretaries, officers who, by name, have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct displayed in the service of their country, the Governor for the time being of any State or Territory in the Union, such gentlemen as have been Heads of Departments or members of either branch of the national Legislature; [the members of the legislatures, for the time being, of the States and Territories,] and, at the discretion of the Speaker, persons who belong to such legislatures of *foreign* governments as are in *amity* with the United States, shall be admitted within the Hall of the House of Representatives;\* [and no per-

Jan. 14  
1850.

Jan. 14,  
1850.

\* The first rule for the admission within the Hall of other than members was adopted on the 7th January, 1802, and was confined to "*Senators*, officers of the General and State Governments, Foreign Ministers, and such persons as members might introduce." On the 11th January, 1802, an attempt was made to amend so as to exclude persons "introduced by members," which failed. On the 8th November, 1804, a proposition was made to confine the privilege to *Senators*, which also failed. On the 17th December, 1805, *officers of State Governments* were excluded. On 1st February, 1808, a proposition was made to admit ex-members of Congress and the Judges of the Supreme Court; after a good deal of debate, it was rejected. On the 11th February, 1809, the rule was enlarged so as to admit judicial officers of the United States, as also ex-members of Congress. On 25th February, 1814, those who had been Heads of Departments were admitted. On the 10th February, 1815, officers who had received the thanks of Congress were included. On the 12th January, 1816, the Navy Commissioners. On the 21st February, 1816, Governors of States and Territories. March 13, 1822, the President's secretary. On the 26th January, 1833, the rule was further enlarged by admitting "*such persons as the Speaker or a member might introduce*;" and on the 10th December, 1833, the House, by a vote almost unanimous, rescinded that amendment.



## ADOPTED.

son, not known to the Doorkeeper to be entitled to the privilege of the floor, shall enter the Hall, unless the Doorkeeper shall be informed by a member that the individual is entitled to admission under this rule, and in what capacity.]

January 7,  
1802; modified to  
present form,  
Dec'r 23,  
1811.

R. 18. Stenographers, wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them, on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

March 1,  
1838.

R. 19. No person shall be allowed the privilege of the Hall, under the character of stenographer, without a written permission from the Speaker, specifying the part of the Hall assigned to him; and no reporter or stenographer shall be admitted under the rules of the House, unless such reporter or stenographer shall state, in writing, for what paper or papers he is employed to report.

March 1,  
1838.

R. 20. The Doorkeeper shall execute strictly the 17th and 18th rules, relative to the privilege of the Hall.

April 13,  
1789; and  
act June 1,  
1789.

R. 21. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities. [He shall be deemed to continue in office until another be appointed.\*]

March 1,  
1791.

## ORDER OF BUSINESS OF THE SESSION.

March 17,  
1818.

R. 22. After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions,† and reports, which originated in the House,

\* There is no law, resolution, rule, or order, directing the appointment of the Clerk of the House. On the 1st of April, 1789, being the first day that a quorum of the House assembled under the new Constitution, the House immediately elected a Clerk by ballot, without a previous order having been passed for that purpose; although, in the case of the Speaker, who was chosen on the same day, an order was previously adopted. A Clerk has been regularly chosen at the commencement of every Congress since.

† The word "*resolutions*," as here used, has been construed to apply to joint resolutions only.



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and at the close of the next preceding session remained undetermined, shall be resumed and acted on in the same manner as if an adjournment had not taken place.

ORDER OF BUSINESS OF THE DAY.

R. 23. As soon as the Journal is read, the Speaker shall call for petitions from the members of each State and delegates from each Territory, beginning with Maine\* [and the Territory of Wisconsin,† alternately ;] and if, on any day, the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous day ; [provided that, after the first thirty days of the session, petitions shall not be received, except on the first day of the meeting of the House in each week.]

R. 24. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place ; a brief statement of the contents thereof shall be made verbally by the introducer ; they shall not be debated on the day of their being presented ; nor on any day assigned by the House for the receipt of petitions after the first thirty days of the session, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented.‡ [Members having petitions and memorials to present may hand them to the Clerk, endorsing the same with their names, and the refer-

Dec. 23,  
1811.

Sept. 15,  
1837.  
Dec. 23,  
1811.

March 13,  
1822.

Sept. 14,  
1837.

March 29  
1842.

\* This was adopted before the State of Maine came into the Union ; and the call commenced with New Hampshire. On the 13th March, 1822, it was altered so as to commence with *Maine*.

† This rule was adopted before N. Mex. was constituted a Territory ; and, although no order has been taken by the House, the Speaker substitutes N. Mex. for Wisconsin.

‡ With the exception of the clause commencing with the words "nor on any day assigned," &c., this rule is in substance the same as it was originally established on the 7th April, 1789.

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ence or disposition to be made thereof; and such petitions and memorials shall be entered on the Journal, subject to the control and direction of the Speaker; and if any petition or memorial be so handed in, which, in the judgment of the Speaker, is excluded by the rules, the same shall be returned to the member from whom it was received.]

Dec. 23,  
1811.Sept. 15,  
1837.Jan. 14,  
1829.

R. 25. The petitions having been presented and disposed of, reports from committees shall be called for and disposed of; [in doing which, the Speaker shall call upon each standing committee, in the order they are named in the 76th and 105th rules; and when all the standing committees have been called on, then it shall be the duty of the Speaker to call for reports from select committees; if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off.] Resolutions shall then be called for in the same order, and disposed of by the same rules, which apply to petitions: provided that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called.

Febr'y. 6,  
1838.

R. 26. All the States and Territories shall be called for resolutions on each alternate Monday during each session of Congress; and, if necessary to secure this object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established; and the whole of said days shall be appropriated to resolutions, until all the States and Territories are called through.

January 5,  
1832.

R. 27. After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders

of the day ; [which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz :]

- 1st. Messages and other Executive communications.
- 2d. Messages from the Senate and amendments proposed by the Senate to bills of the House.
- 3d. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees and put under way ; but if, on being read a second time, no motion be made to commit, they are to be ordered to their third reading, unless objection be made ; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.
- 4th. Engrossed bills and bills from the Senate on their third reading.
- 5th. Bills of the House and from the Senate, on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading.

The messages, communications, and bills on his table, having been disposed of, the Speaker shall then proceed to call the orders of the day.

R. 28. The business specified in the 26th and 27th rules shall be done at no other part of the day, except by permission of the House.

#### LOCAL OR PRIVATE BUSINESS.

R. 29. Friday and Saturday in every week shall be set apart for the consideration of private bills and private business, in preference to any other, unless otherwise determined by a majority of the House.\*

ADOPTED.  
Sept. 14,  
1837.

Sept. 14,  
1837.  
Sept. 14,  
1837.

Sept. 14,  
1837.

Sept. 14,  
1837.

Sept. 14,  
1837.

Dec. 23,  
1811.

Jan'y 22,  
1810, and  
Jan'y 26,  
1826.

\* Under the rule of 26th April, 1828, relative to a postponement or change

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Jan'y 25,  
1839.

R. 30. On the first and fourth Friday of each month, the calendar of private bills shall be called over, (the chairman of the Committee of the Whole House\* commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of.

## OF DECORUM AND DEBATE.

April 7,  
1789.

R. 31. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to "Mr. Speaker;" [and shall confine himself to the question under debate, and avoid personality.]

Dec. 23,  
1811.

R. 32. Members may address the House or committee from the Clerk's desk, or from a place near the Speaker's chair.

April 7,  
1789.

R. 33. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

Dec. 18,  
1847.

R. 34. No member shall occupy more than one hour in debate on any question in the House, or in Committee; but a member reporting the measure under consideration from a committee may open and close the debate: provided, that where debate is closed by order of the House, any member shall be allowed, in committee, five minutes to explain any amendment he may offer, after which any member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate on the amendment; but the same privilege of debate shall be allowed in favor of and

of the order of business, it has been decided that it takes *two-thirds* to proceed to public business on Friday and Saturday. The reason of this decision is, that the rule of the 26th April, 1828, made no exception in favor of the clause, for a *majority*, contained in this rule, and that therefore that provision was annulled. There have been three appeals upon this point, but the House in all instances affirmed the decision in favor of two-thirds. The House sometimes adjourns on Thursday, and frequently on Friday, till the following Monday.

\* A Committee of the whole House considers local or private bills. A Committee of the whole House *on the state of the Union*, public bills.



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against any amendment that may be offered to the amendment; and neither the amendment nor an amendment to the amendment shall be withdrawn by the mover thereof, unless by the unanimous consent of the Committee.

April 7  
1789; and  
March 13,  
1822.

R. 35. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate:\* if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; *if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House*;† and, if the case require it, he shall be liable to the censure of the House.

Sept. 14,  
1837

R. 36. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken.

April 7,  
1789.

Jan. 14,  
1840.

R. 37. No member shall speak more than once to the same question, without leave of the House,‡ [unless he be the mover, proposer, or introducer of the matter pending; in which case, he shall be permitted to speak in

\* See rule 2, with note appended to it.

† That part of this rule which is printed in *italic* was adopted on the 13th March, 1822, with the exception of the words "in case any member object," which were inserted on the 14th September, 1837.

‡ This rule, as originally adopted on the 7th April, 1789, permitted a member to speak *twice*, and ended with the word *House*. It remained unchanged until the 14th January, 1840, when it was established as it now stands.



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reply, but not until every member choosing to speak shall have spoken.]

April 7,  
1789.

R. 38. If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken on the preceding day, shall be permitted again to speak without leave.\*

April 7,  
1789.

R. 39. While the Speaker is putting any question, or addressing the House, none shall walk out of or across the House; nor, in such case, or when a member is speaking, shall entertain private discourse; nor while a member is speaking shall pass between him and the chair.

Sept. 14,  
1837.

[Every member shall remain uncovered during the session of the House. No member or other person shall visit or remain by the Clerk's table while the ayes and noes are calling, or ballots are counting.]

April 7,  
1789.

R. 40. No member shall vote on any question in the event of which he is immediately and particularly interested,† or in any case where he was not within the bar of the House when the question was put.‡ [And when any member shall ask leave to vote, the Speaker shall propound to him the question—“*Were you within the bar when your name was called?*”]

Sept. 14,  
1837.

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\* There is no proceeding in the House to which this rule can be applied. It was originally framed in reference to that law of Parliament which says that all pending questions are lost by adjournment, and to be again considered must be moved anew. In the rules as revised and established on the 7th January, 1802, the prohibition to speak on the next day was confined to those who had spoken *twice* on the preceding day. It so remained until the 14th January, 1840, when the word *twice* was left out.

† Of late, differences of opinion have occasionally arisen as to the *kind* of interest alluded to in this rule. It has been contended to apply to members who were merchants or manufacturers, or engaged in other business to be affected by tariffs or other bills touching rates of duties, &c. This construction has never been sustained by the House. The original construction, and the only true one, is direct *personal* or *pecuniary* interest.

‡ As originally adopted, the word *present* was used in this rule where the words “*within the bar of the House*” now appear. The alteration was made on the 14th September, 1837.

ADOPTED.  
Nov. 13,  
1794.

April 7,  
1789.

Sept. 14,  
1837.

April 7  
1789.

April 7  
1789.  
March 26,  
1806.

April 7,  
1789.

March 13,  
1822.

R. 41. Upon a division and count of the House on any question, no member without the bar shall be counted.

R. 42. Every member who shall be in the House when the question is put shall give his vote, unless the House, for special reason, shall excuse him.\* [All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and the question shall then be taken without further debate.†]

R. 43. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk, before debated.

R. 44. Every motion shall be reduced to writing, if the Speaker or any member desire it. [Every *written* motion made to the House shall be inserted on the Journals, with the name of the member making it, unless it be withdrawn on the same day on which it was submitted.]

R. 45. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

R. 46. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend,‡ to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged;§ and no motion to postpone to a

\* By rule 41, the date of which is subsequent in date to this, a member who may be "in the House" is not allowed to vote unless he be "within the bar," upon a division or count of the House.

† That part of rule 42 which allowed a brief verbal statement of reasons to be given by any member for requesting to be excused from voting, rescinded January 2, 1845.—Journal H. R., 115.

‡ See Rule 119.

§ This rule, as originally established, April 7, 1789, read thus; "When a

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day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

March 13,  
1822.

R. 47. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order :

The Committee of the Whole House on the state of the Union ; the Committee of the Whole House ; a Standing Committee ; a Select Committee.

April 7,  
1789, and  
Jan'y 14,  
1840.

R. 48. A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order ;\* [these motions, and the motion to lie on the table, shall be decided without debate.†]

Nov. 13,  
1794 ; Mar.  
13, 1822.

question is under debate, no motion shall be received unless to *amend* it, to *commit* it, for the *previous* question, or to *adjourn*." On the 13th November, 1794, the *motion to postpone to a day certain* was introduced next after the previous question. On the 17th December, 1805, the rule was changed as follows : 1st, the previous question ; 2d, to postpone indefinitely ; 3d, to postpone to a day certain ; 4th, to lie ; 5th, to commit ; 6th, to amend ; 7th, to adjourn. On the 23d December, 1811, the order was changed as follows : 1st, to adjourn ; 2d, to lie ; 3d, the previous question ; 4th, to postpone indefinitely ; 5th, to postpone to a day certain ; 6th, to commit ; 7th, to amend. On the 13th March, 1822, they were classed as above, and were declared, for the first time, to have precedence according to their arrangement ; previous to which, the notions of the Speaker often governed as to the precedence of these motions ; and hence the direction of the rule.

\* It has been decided and acted upon, that, under this rule, "a motion to fix the day to which the House shall adjourn" takes precedence of a motion to adjourn. The reason of this decision is, that, before the House adjourned, it was proper to fix the time to which it should adjourn. To this decision, and upon this reasoning, no objection has been made.

† In the first rules established by the House on the 7th April, 1789, it was directed that "when the House adjourns, the members shall keep their seats until the Speaker go forth, and then the members shall follow." This rule was left out of the rules established 13th November, 1794. On the 13th March, 1822, a rule was adopted prohibiting a motion to adjourn before four o'clock, if there was a pending question ; it was rescinded on the 13th March, 1824. On the 13th March, 1822, a rule was also adopted against

ADOPTED.

October 9  
1837.

April 7,  
1789.  
Febr'y. 24,  
1812.

August 5,  
1848.

Jan. 14,  
1840.  
Sept. 14,  
1837.

R. 49. The hour at which every motion to adjourn is made shall be entered on the Journal.

R. 50. The previous question shall be in this form: "Shall the main question be now put?" [It shall only be admitted when demanded by a majority of the members present;] and its effects shall be to put an end to all debate, and bring the House to a direct vote upon a motion to commit, if such motion shall have been made, and if this motion does not prevail, then upon amendments reported by a committee, if any, then [upon pending amendments, and then upon the main question.] On a motion for the previous question,\* and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such

the rising of the Committee of the Whole before 4 o'clock, which was abrogated on the 25th March, 1824.

\* The previous question was recognised in the rules established April 7, 1789, and could be demanded by five members, (the parliamentary law places it in the power of two members—one to move, the other to second.) On the 23d December, 1811, it was placed on a footing with the yeas and nays—that is, at the command of *one-fifth of the members* present. It remained so until the 24th February, 1812, when the rule was changed to its present form of a *majority*. According to former practice, the previous question brought the House to a direct vote on the *main* question—that is, to agree to the main *proposition*, to the exclusion of all amendments and incidental motions; but on the 14th January, 1840, it was changed to its present form—first to embrace *pending* amendments, and then the main proposition.

The original intent of the previous question was, to ascertain the sense of the House, in the early stages of a subject, as to the propriety of entertaining the matter; and, if decided affirmatively, the debate went on; if decided negatively, the debate ceased, and the subject passed from before the House without motion or further question. This was the practice in Congress under the Confederation; and it is still the practice in the British Parliament. Now, by the practice of the House, as well as by the terms of the rule, it is reversed; if the motion for the previous question be decided in the affirmative, debate ceases, and the House proceeds to vote; if in the negative, the proceedings go on as if the motion for the previous question had not been made.



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motion, no call shall be in order prior to a decision of the main question.\*

Dec. 17,  
1805.  
Sept. 15,  
1837.

R. 51. On a previous question there shall be no debate.† [All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.]

Dec. 17,  
1805.

R. 52. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

Sept. 15,  
1837.

R. 53. Any member may call for the division of a question, which shall be divided if it comprehend propositions in substance so distinct, that one being taken away, a substantive proposition shall remain for the decision of the House. [A motion to strike out and insert shall be deemed indivisible;] but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

Dec. 23,  
1811.  
March 13,  
1822.

April 7,  
1789.

R. 54. Motions and reports may be committed at the pleasure of the House.

March 13,  
1822.

R. 55. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.‡ [No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating

Sept. 15,  
1837.

\* See rules 63 and 64, for mode of proceeding in a call of the House.

† The rules as established 7th April, 1789, allowed each member to speak once on the previous question—that is, Shall the main question be now put? and so remained until 17th December, 1805, when debate was prohibited; yet, on the 15th December, 1807, *after the previous question had been ordered*, the House, on an appeal from the Speaker, reversed his decision, and decided that the main question was open to further debate, 103 to 14—no party vote. This decision was reaffirmed by the House, December 2, 1808—yeas 101, nays 18.

‡ This rule was originally established on the 7th April, 1789, and was in these words: “No *new* motion or proposition shall be admitted, under color of amendment, as a *substitute* for the motion or proposition under debate.” On the 13th March, 1822, it was changed to its present form, in which the words “*new*” and “*substitute*” do not appear.



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therewith, any other bill or resolution pending before the House.\*]

R. 56. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, [on the same or the succeeding day]; and such motion shall take precedence of all other questions, except a motion to adjourn,† [and shall not be withdrawn after the said succeeding day, without the consent of the

January 7,  
1802.

Dec. 23,  
1811.  
May 6,  
1828.

March 2,  
1848.

\* The latter clause of this rule was adopted at the 1st session of the 25th Congress; and, as originally reported by the committee, the following words were contained at the end of it: "*nor by any proposition containing THE SUBSTANCE, in whole or in part, of any other bill or resolution pending before the House.*" These words were *stricken out* by the House before it would agree to the rule; by which it would seem to be decided that a bill or resolution might be amended by incorporating therein the SUBSTANCE of any other bill or resolution before the House. Such has been the general practice of the House.

† A difference of opinion, and a discrepancy in action, have sometimes occurred in administering this rule. Twenty years ago, and previously, a motion to reconsider could not be made after the subject was disposed of, if there was another subject before the House, until that subject had passed away; it was then often too late to make the motion. It was under this practice that Mr. Randolph was unable to move a reconsideration of the settlement of the celebrated Missouri question, (notice of which he gave out of time,) as before he could do so the bill had been taken to the Senate. The practice, of late years, has been changed, so as to allow the motion to reconsider to be made at any moment within the prescribed time. If the motion be made when a different subject is before the House, it is entered, and remains until that subject is disposed of, and then "takes precedence of all other business, except a motion to adjourn." When any final vote has been taken, and a motion made to reconsider, that motion may be laid on the table; in which case, according to the practice of several years past, the vote stands as though the motion to reconsider had not been made. This is correct, as, if the House wished to retain the matter, it would agree to the motion to reconsider, instead of laying it on the table. Motions to reconsider should be promptly acted on, otherwise it is in the power of a single member (voting on the strong side, against his sentiments, solely for the purpose of placing himself in a situation to make the motion) to arrest business, which a majority have determined to despatch.

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House, and thereafter any member may call it up for consideration.]

Nov. 13,  
1794.

R. 57. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.\*

Nov. 13,  
1794.

R. 58. The unfinished business in which the House was engaged at the last preceding adjournment shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of.

April 7,  
1789.

R. 59. Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

March 22,  
1806.

R. 60. The name of the member who presents a petition or memorial, or who offers a resolution to the consideration of the House, shall be inserted on the Journals.

Dec. 13,  
1820.

R. 61. A proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the Executive Departments, or by the Postmaster General, or to print an extra number of any document or other matter, excepting messages of the President to both Houses at the commencement of each session of Congress, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House; [and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees; and, when adopted, the Clerk shall cause the same to be delivered.]

Jan'y 22,  
1822.

\* As originally adopted, this rule contained, after the word "for," the words "*which had before been read to the House.*" They were stricken out on the 14th December, 1795.

R. 62. Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

R. 63. Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which, the names of the absentees shall again be called over: the doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.\*

R. 64. When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger.

R. 65. Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members.

R. 66. No member shall absent himself from the service of the House, unless he have leave, or be sick, or unable to attend.

R. 67. A Sergeant-at-arms shall be appointed, to hold his office during the pleasure of the House, whose duty

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April 7,  
1789.

Nov'r 13,  
1789, and  
Dec. 14,  
1795.

Nov'r 13,  
1794

April 7,  
1789

April 13,  
1789.

April 14,  
1789.

\* The rule as originally established in relation to a call of the House, which was on the 13th of November, 1789, differed from the present rule in this; there was one day's notice to be given, and it required a vote of the House, and not fifteen members, to order a member into custody. It was changed to its present form on the 14th December, 1795. On the 7th January, 1802, it was changed back to its original form, to require "an order of the House" to take absent members into custody, and so remained until the 23d December, 1811, when it was again changed to what it now is—i. e. fifteen members.

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it shall be to attend the House during its sittings;\* to execute the commands of the House from time to time; together with all such process, issued by authority thereof, as shall be directed to him by the Speaker.

April 14,  
1789.

R. 68. The symbol of his office (the mace) shall be borne by the Sergeant-at-arms when in the execution of his office.†

April 14,  
1789.

R. 69. The fees of the Sergeant-at-arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for travelling expenses for himself or a special messenger, going and returning, one-tenth of a dollar per mile.

April 4,  
1838.

R. 70. It shall be the duty of the Sergeant-at-arms to keep the accounts for pay and mileage of members, to prepare checks, and, if required to do so, to draw the money on such checks for the members, (the same being previously signed by the Speaker, and endorsed by the

\* In the rules established November 13, 1794, the Sergeant was empowered to appoint a "special messenger" to execute the commands of the House. This authority was stricken from the rules established on the 14th December, 1795.

† At the time this rule was adopted, "a proper symbol of office" for the Sergeant-at-arms was directed to be provided, "of such form and device as the Speaker should direct."

In pursuance of this order, a mace or "symbol" was procured, which represented the Roman fasces, made of ebony sticks, bound transversely with a thin silver band, terminating in a double tie or beau-knot near the top; at each end a silver band an inch deep, and on the top of each of the rods a small silver spear. A stem of silver  $\frac{3}{4}$  of an inch in diameter, and 2 inches long, from the centre of the fasces, supported a globe of silver, about  $2\frac{1}{2}$  inches in diameter, upon which was an eagle, his claws grasping the globe, and just in the act of flight, his wings somewhat more than half extended. The eagle was massive silver, richly carved. The design was fine, and its whole execution beautiful; the entire height about three feet. The mace was destroyed at the conflagration of the Capitol on the 24th August, 1814, and was not replaced until recently. A temporary one was *hastily* gotten up (of common pine, and painted) for the then next session of Congress, and was *tolerated* till the session of 1841-'42, when the splendid one now in use was procured.



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member,) and pay over the same to the member entitled thereto.

R. 71. The Sergeant-at-arms shall give bond, with surety, to the United States, in a sum not less than five nor more than ten thousand dollars, at the discretion of the Speaker, and with such surety as the Speaker may approve, faithfully to account for the money coming into his hands for the pay of members.

April 4,  
1838.

R. 72. The Sergeant-at-arms shall be sworn to keep the secrets of the House.

Dec. 23,  
1811.

R. 73. A Doorkeeper shall be appointed for the service of the House.\*

April 2,  
1789.

R. 74. The Doorkeeper shall be sworn to keep the secrets of the House.

Dec. 23,  
1811.

R. 75. The Postmaster, to superintend the Post Office kept in the Capitol for the accommodation of the members shall be appointed by the House.†

April 4,  
1838.

R. 76. Twenty-eight standing committees shall be appointed at the commencement of each session, viz :

A Committee of Elections.

A Committee of Ways and Means.

A Committee of Claims.‡

} To consist of  
} nine mem-  
} bers each.

Nov. 13,  
1789.  
January 7  
1802.  
Nov. 13,  
1794.

\* The rule of 1789 provided for the appointment of an *assistant doorkeeper*, and so continued until Colonel John W. Hunter, the incumbent, died, in December, 1841, and the House, on the 13th of that month, abolished the office.

† Immediately after the organization of the Government under the present Constitution, a room was set apart in the Capitol for the reception and distribution of letters and packets to and from members of the House, without an order for that purpose, and was called the Post Office. It was superintended by the Doorkeeper and his assistants. On the 9th of April, 1814, a special allowance was made to the Doorkeeper to meet the expenses of this office, and he was authorized to appoint a Postmaster. The office continued on this footing till April 4, 1838, when an order was passed, as above, for the appointment of the Postmaster by the House itself.

‡ Originally, the Committee of Claims was charged with revolutionary and land claims, and all sorts of pensions. On the 22d December, 1813, the duties of that committee were divided, and a committee was appointed, called



## ADOPTED.

Dec. 14,  
1795.  
Dec. 17,  
1805.  
Nov. 9, 1808  
Jan'y 27,  
1808.  
June 3,  
1813.  
De. 22, 1813  
Febr'y 26,  
1814.  
April 29,  
1816.  
Dec. 8, 1819.  
May 3, 1820  
Dec. 17,  
1821.

- A Committee on Commerce.\*
- A Committee on the Public Lands.†
- A Committee on the Post Office and Post Roads.‡
- A Committee for the District of Columbia.
- A Committee on the Judiciary.
- A Committee on Revolutionary Claims.§
- A Committee on Public Expenditures.
- A Committee on Private Land Claims.‖
- A Committee on Manufactures.¶
- A Committee on Agriculture.¶
- A Committee on Indian Affairs.¶

To consist of  
nine mem-  
bers each.

the *Committee on Pensions and Revolutionary Claims*. On the 9th of December, 1825, a separate committee on *Revolutionary Pensions* was created, leaving the business of *Invalid Pensions* to the committee created on the 22d December, 1813. On the 13th December, 1825, four days after its institution, the designation of the Committee on Revolutionary Pensions was changed to the Committee on *Military Pensions*, and it was charged with both Revolutionary and Invalid Pensions. On the 10th January, 1831, the Committee on Military Pensions became the present Committee on *Revolutionary Pensions*, and an additional committee was created, called the *Committee on Invalid Pensions*; and the pension business was apportioned to the two committees, as set out in the duties assigned to the committees.

\* This committee was originally a Committee on Commerce and *Manufactures*. On the 8th December, 1819, a Committee on *Manufactures* was constituted, but no duties have been assigned to that committee in the rules.

† The 3d of January, 1805, was the first time at which it was proposed to appoint a Committee on Public Lands. The proposition was then made by Mr. John Boyle, of Kentucky, and was *rejected*. On the 17th December, 1805, the committee was constituted for the first time. Previous to that day the business relating to the lands of the United States was sent either to the Committee of Claims or to a select committee, and frequently, in parts, to both.

‡ From the earliest stages of the Government, a *select* committee was annually raised upon the subject of "the Post Office and Post Roads," and was always composed of a member from each State. A *standing* committee was instituted on the 9th November, 1808, and, like the select committees, was directed to be composed of a member from each State. On the 23d December, 1811, it was directed to be composed of the same number of members as the other standing committees.

§ See note (‡) page 87.

‖ When the Committee on Private Land Claims was first constituted, it was composed of five members, two less than the other committees. On the 19th December, 1817, it was directed to be composed of seven members.

¶ There are no duties assigned to the Committees on Manufactures, Agri-

- A Committee on Military Affairs.
- A Committee on the Militia.
- A Committee on Naval Affairs.
- A Committee on Foreign Affairs.
- A Committee on the Territories.
- A Committee on Revolutionary Pensions.\*
- A Committee on Invalid Pensions.
- A Committee on Roads and Canals.
- A Committee on Patents.
- A Committee on Public Buildings and Grounds.
- A Committee of Revisal and Unfinished Business.
- A Committee of Accounts.†
- A Committee on Mileage.
- A Committee on Engraving, to consist of three members.

To consist of  
nine mem-  
bers each.

To consist of  
five mem-  
bers each.

ADOPTED.  
March 13,  
1822.  
De. 10, 1835  
March 13,  
1822.  
March 13,  
1822.  
De. 13, 1825  
Dec. 9, 1825  
Jan'y 10,  
1831.  
De. 15, 1831  
Sept. 15,  
1837.  
Sept. 15,  
1837.  
De. 14, 1795  
Nov'r 7,  
1804.  
Sept. 15,  
1837.  
March 16,  
1844.  
Nov'r 13,  
1789; Nov.  
13, 1794.

Jan'y 7,  
1802.

R. 77. It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House; and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House.

R. 78. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure: and to report, from time to time, their opinion thereon; [to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to

culture, and Indian Affairs, in the rules, but these committees consider whatever is referred to them in their respective spheres by the House.

\* See note (§) page 87.

† The Committee of Accounts was first constituted as a select committee on the 7th November, 1804; it was made a standing committee December 17, 1805.

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time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers.]\*

Jan. 30,  
1819.

In preparing bills of appropriations for other objects, the Committee of Ways and Means shall not include appropriations for carrying into effect treaties made by the United States; and where an appropriation bill shall be referred to them, for their consideration, which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects.

Sept. 14,  
1837.

R. 79. It shall also be the duty of the Committee of Ways and Means, within thirty days after their appointment, at every session of Congress commencing on the first Monday of December, to report the general appropriation bills—for the civil and diplomatic expenses of Government; for the army; for the navy; and for the Indian department and Indian annuities—or, in failure thereof, the reasons of such failure.

Sept. 14,  
1837.

R. 80. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.

Sept. 14,  
1837.

R. 81. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, [unless in continuation of appropriations for such

March 13,  
1838.

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\* That portion of the duty of the Committee of Ways and Means which is printed within brackets was originally adopted on the 7th January, 1802. On 26th February, 1814, the Committee on Public Expenditures was created, and added to the list of standing committees; the duties of this latter committee are exactly those contained in that portion of the duties of the Committee of Ways and Means which is referred to in this note as within brackets.—See rule 89. The words ought to be stricken from the specification of the duties of the Committee of Ways and Means.

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public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government.

R. 82. It shall be the duty of the Committee of Claims to take into consideration all such petitions and matters or things touching claims and demands on the United States as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

Nov. 13,  
1794.

R. 83. It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the United States as shall be presented, or shall or may come into question, and be referred to them by the House; and to report, from time to time, their opinion thereon.\*

Dec. 14,  
1795.

R. 84. It shall be the duty of the Committee on the Public Lands to take into consideration all such petitions and matters or things respecting the lands of the United States as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.

Dec. 17,  
1805

R. 85. It shall be the duty of the Committee on the Post Office and Post Roads to take into consideration all such petitions and matters or things touching the post office and post roads as shall be presented, or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such pro-

Nov. 9,  
1808.

\* This committee was originally a Committee on Commerce and Manufactures. On the 8th December, 1819, a separate Committee on Manufactures was constituted, and the duties of the original Committee on Commerce and Manufactures have been conformed as above, by leaving out the words *and Manufactures*. There are no duties assigned in these rules to the Committee on Manufactures. To this committee is appropriately referred all matters pertaining to manufacturing.



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positions relative thereto as to them shall seem expedient.

Jan. 27,  
1808.

R. 86. It shall be the duty of the Committee for the District of Columbia to take into consideration all such petitions and matters or things touching the said district as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.

June 3,  
1813.

R. 87. It shall be the duty of the Committee on the Judiciary to take into consideration such petitions and matters or things touching judicial proceedings as shall be presented, or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions relative thereto as to them shall seem expedient.

Dec. 22,  
1813.

R. 88. It shall be the duty of the Committee on Revolutionary Claims to take into consideration all such petitions and matters or things touching claims and demands originating in the revolutionary war, or arising therefrom, as shall be presented, or shall or may come in question, and be referred to them by the House; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

Febr'y 26,  
1814.

R. 89. It shall be the duty of the Committee on Public Expenditures to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers.\*

\* See note to rule 78. And further: on the 30th March, 1816, six Committees on Expenditures in the several departments of the Government were



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April 29  
1816.

R. 90. It shall be the duty of the Committee on Private Land Claims to take into consideration all claims to land which may be referred to them, or shall or may come in question; and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

March 13,  
1822.

R. 91. It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.

Dec. 10,  
1835.

R. 92. It shall be the duty of the Committee on the Militia to take into consideration and report on all subjects connected with the organizing, arming and disciplining the militia of the United States.

March 13,  
1822.

R. 93. It shall be the duty of the Committee on Naval Affairs to take into consideration all matters which concern the naval establishment, and which shall be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.

March 13  
1822.

R. 94. It shall be the duty of the Committee on Foreign Affairs to take into consideration all matters which concern the relations of the United States with foreign nations, and which shall be referred to them by the House, and to report their opinion on the same.

Dec. 13,  
1825.

R. 95. It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may

created, and added to the list of standing committees. The duties assigned to these several committees would seem entirely to cover the duties of the Committee on Public Expenditures.—See rules 105 and 106.

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be necessary to secure the rights and privileges of residents and non-residents.

Jan. 10,  
1831.

R. 96. It shall be the duty of the Committee on Revolutionary Pensions to take into consideration all such matters respecting pensions for services in the revolutionary war, other than invalid pensions, as shall be referred to them by the House.

Jan'y 10,  
1831.

R. 97. It shall be the duty of the Committee on Invalid Pensions to take into consideration all such matters respecting invalid pensions as shall be referred to them by the House.

Dec. 15,  
1831.

R. 98. It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto, as to them shall seem expedient.

Sept. 15,  
1837.

R. 99. It shall be the duty of the Committee on Patents to consider all subjects relating to patents which may be referred to them; and report their opinion thereon, together with such propositions relative thereto as may seem to them expedient.

Sept. 15,  
1837.

R. 100. It shall be the duty of the Committee on Public Buildings and Grounds to consider all subjects relating to the public edifices and grounds within the city of Washington which may be referred to them; and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.

Dec. 14,  
1795.

R. 101. It shall be the duty of the Committee of Revision and Unfinished Business to examine and report what laws have expired, or are near expiring, and require to be revived or further continued; also, to examine and report, from the Journal of last session, all such matters as were then depending and undetermined.

ADOPTED.

Dec. 17,  
1805.

Dec. 23,  
1811.

Sept. 15,  
1837.

March 16,  
1844.

R. 102. It shall be the duty of the Committee of Accounts to superintend and control the expenditures of the contingent fund of the House of Representatives; [also, to audit and settle all accounts which may be charged thereon; and, also, to audit the accounts of the members for their travel to and from the seat of Government, and their attendance in the House.\*]

R. 103. It shall be the duty of the Committee on Mileage to ascertain and report the distance to the Sergeant-at-arms for which each member shall receive pay.†

R. 104. There shall be appointed a standing committee of this House, to consist of three members, to be called the Committee on Engraving,‡ to whom shall be referred by the Clerk all drawings, maps, charts, or other papers, which may at any time come before the House for engraving, lithographing, or publishing in any way; which committee shall report to the House whether the same ought, in their opinion, to be published; and if the House order the publication of the same, that said committee shall direct the size and manner of execution of all such maps, charts, drawings, or other papers, and contract by agreement, in writing, for all such engraving, lithographing, printing, drawing, and coloring, as may be ordered by the House; which agreement, in writing, shall be furnished by said committee to the Committee of Accounts,

\* So much of this rule as directs the Committee of Accounts to audit and settle the mileage and daily pay of the members was adopted at the 1st session 12th Congress, (1811). At the 1st session of the 25th Congress, (1837,) a Standing Committee on Mileage was created, for the especial purpose of ascertaining and reporting the mileage for which each member shall receive pay.—See rule 103.

† See rule and note to rule 102.

‡ The resolution of Congress "regulating the printing of Congress, and establishing the compensation for the same," approved July 23, 1846, provides that "When any order for printing requires maps or charts, the same shall be obtained under the direction of the Committee on Contingent Expenses of the House making such order."

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to govern said committee in all allowances for such works; and it shall be in order for said committee to report at all times.

March 30,  
1816.

R. 105. Six additional standing committees shall be appointed at the commencement of the first session in each Congress, whose duties shall continue until the first session of the ensuing Congress.

1. A committee on so much of the public accounts and expenditures as relate to the Department of State;
2. A committee on so much of the public accounts and expenditures as relate to the Treasury Department;
3. A committee on so much of the public accounts and expenditures as relate to the Department of War;
4. A committee on so much of the public accounts and expenditures as relate to the Department of the Navy;
5. A committee on so much of the public accounts and expenditures as relate to the Post Office; and
6. A committee on so much of the public accounts and expenditures as relate to the Public Buildings.

To consist of  
five mem-  
bers each.

March 30,  
1816.

R. 106. It shall be the duty of the said committees to examine into the state of the accounts and expenditures respectively submitted to them, and to inquire and report particularly—

Whether the expenditures of the respective departments are justified by law;

Whether the claims from time to time satisfied and discharged by the respective departments are supported by sufficient vouchers, establishing their justness both as to their character and amount;

Whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with appropriation laws; and

Whether any, and what, provisions are necessary to be adopted, to provide more perfectly for the proper appli-



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cation of the public moneys, and to secure the Government from demands unjust in their character or extravagant in their amount.

And it shall be, moreover, the duty of the said committees to report, from time to time, whether any, and what, retrenchment can be made in the expenditures of the several departments, without detriment to the public service; whether any, and what, abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others; and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the several departments and the accountability of their officers.\*

† It shall be the duty of the several Committees on Public Expenditures to inquire whether any offices belonging to the branches or departments, respectively, concerning whose expenditures it is their duty to inquire, have become useless or unnecessary; and to report, from time to time, on the expediency of modifying or abolishing the same: also, to examine into the pay and emoluments of all offices under the laws of the United States; and to report from time to time such a reduction or increase thereof as a just economy and the public service may require.

R. 107. The several standing committees of the House shall have leave to report by bill or otherwise.

R. 108. No committee shall sit during the sitting of the House, without special leave.

R. 109. It shall be the duty of the Clerk to make, and cause to be printed, and delivered to each member at the commencement of every session of Congress, a list of the

\* See notes to rules 78 and 89.

† This part of the duties of those committees was, previous to 1841, overlooked, and omitted in the rules.

Febr'y 19  
1817

March 13,  
1822.

Nov'r 13.  
1794.

March 13,  
1822.



ADOPTED.

reports which it is the duty of any officer or department of the Government to make to Congress; referring to the act or resolution, and page of the volume of the laws or Journal in which it may be contained, and placing under the name of each officer the list of reports required of him to be made, and the time when the report may be expected.

Nov. 13,  
1794.

R. 110. It shall be the duty of the Clerk of the House, at the end of each session, to send a printed copy of the Journals thereof to the Executive, and to each branch of the Legislature of every State.

Dec. 23,  
1811.

R. 111. All questions of order shall be noted by the Clerk, with the decision, and put together at the end of the Journal of every session.

Febr'y 17,  
1792, and  
Dec. 30, 1793

R. 112. Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members, Clerk, Sergeant-at-arms, and Doorkeeper,\* and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared, till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

Feb. 21,  
1803.

R. 113. All questions relating to the priority of business to be acted on, shall be decided without debate.

---

\* In the rule as originally established on the 17th February, 1792, it is provided that the House be cleared of all persons, except "the members and the Clerk." In the rules of the 13th November, 1794, the language used is "the members of the House and its *officers*." In the edition of 7th January, 1802, the terms "members and Clerk" are again used; and on the 23d December, 1811, it was changed to its present form, so as to include the Sergeant and Doorkeeper.

ADOPTED.

OF BILLS.

R. 114. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion\* in the House, or by filing a memorandum thereof with the Clerk, and having it entered on the Journal; and the motion shall be made, and the bill introduced, if leave is given, when resolutions are called for: such motion, or the bill when introduced, may be committed.

April 7,  
1789; Sept.  
15, 1837;  
and March  
2, 1848.

R. 115. Every bill shall receive three several readings in the House, previous to its passage; and bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House.

April 7,  
1789.

R. 116. The first reading of a bill shall be for information, and, if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made or if the question to reject be negatived, the bill shall go to its second reading without a question.†

April 7  
1789.

\* In the early stages of the Government, before the institution of standing committees, it was the common practice to introduce bills, on motion for leave, by individual members; the bills were then referred to a select committee, to examine and report upon. The practice, however, of introducing bills by members, on leave, gradually grew into disuse as standing committees were created, and, for nearly thirty years, no case occurs on the Journals. A few cases have occurred within the last five or six years. It is an inconvenient practice, and does not facilitate business. Previous to the 13th March, 1822, so strict was the House upon the introduction of bills, that standing committees had to obtain leave, in every case, to report by bill. On that day the 107th rule was adopted.

† But not on the day of its introduction; that is prohibited by rule 115. The meaning of the rule is, that it passes to its second reading the *next day* "without motion or question;" it is the duty of the Speaker then to take it up, and give it the second reading when clearing his table under the 25th rule. If no opposition be made to a bill, or if the question to reject be negatived, and the bill receives its second reading forthwith, (as is usual,) it is always *understood* that it is by "special order of the House." In the rapid

ADOPTED.

Nov. 13,  
1794.

R. 117. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and, if committed, then a question shall be, whether to a select or standing committee, or to a Committee of the Whole House; if to a Committee of the Whole House, the House shall determine on what day; [if no motion be made to commit, the question shall be stated on its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed in the general file on the Speaker's table, to be taken up in its order.] But, if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time.

Sept. 14,  
1837.Nov'r 13,  
1794.Dec. 29,  
1817.

R. 118. Not more than three bills, originating in the House, shall be committed to the same Committee of the Whole; and such bills shall be analogous in their nature, which analogy shall be determined by the Speaker.

March 13,  
1822.

R. 119. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection.\*

April 7,  
1789.

R. 120. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.†

and hurried manner in which bills are now reported and acted upon, the motion is seldom or never made, nor is the question put, "Shall the bill be *now* read a second time." The Speaker takes it for granted that the motion has been made and allowed, and announces the second reading as soon as the first reading is completed. When a bill is read the first time, and no disposition of it be moved, it remains on the Speaker's table, to receive its second reading on the next day, as matter of course, in the 3d class of the 25th rule.

\* Rule 119 may be considered an exception to the 46th rule. It was adopted on the same day and takes precedence of a motion to amend. Rule 119 has, however, of late years fallen into disuse. In the ordinary sessions of the House the motion "TO LAY UPON THE TABLE" is used in its stead. In Committee of the Whole its place is supplied by reporting the measure to the House and recommending that IT DO NOT PASS.

† A difference of opinion often arises as to the construction of this rule. Anciently, it was held and practised upon, according to its terms, that a bill

ADOPTED.

April 7,  
1789.

April 8,  
1814.

April 7,  
1789.

April 7,  
1789.

April 7,  
1789.

Dec. 18,  
1847.

R. 121. All bills ordered to be engrossed shall be executed in a fair round hand.

R. 122. No amendment by way of *rider* shall be received to any bill on its third reading.

R. 123. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

OF COMMITTEES OF THE WHOLE HOUSE.

R. 124. It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union.\*

R. 125. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman, to preside in committee, shall be appointed by the Speaker.†

R. 126. Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the

could be recommitted *at any time* before its passage. Of late years, it has been decided that, if the previous question, on its passage, be ordered, a motion to recommit is not in order, but that the question must be put on the passage of the bill. I think the practice unsound. The intention of a recommitment is for the purpose of perfecting the bill, and it is endangered by forcing its passage in an imperfect state.

\* For more than forty years it was held and practised, under this rule, that the House could resolve itself into a Committee of the Whole on the state of the Union at any time. Recently, however, a different practice prevailed, it being held that several of the rules prescribing the order of business, as well as special orders, interposed to prevent it; in consequence of which, the House, on the 1st June, 1840, amended the 136th rule so as to go into Committee of the Whole on the state of the Union *at any time*: in other words, restored the ancient practice under the 124th rule.

† Originally the rule was silent as to the mode of appointing a chairman of the Committee of the Whole. He was appointed by the House by *nominat*ion and vote thereon. That practice became very inconvenient; and on the 13th November, 1794, the rule was amended by adding "by the Speaker."



ADOPTED.

names of the absentees to the House, which shall be entered on the Journal.†

April 7,  
1789.

R. 127. Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered: the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House.\* After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

April 7,  
1789.

R. 128. All amendments made to an original motion in committee shall be incorporated with the motion, and so reported.

April 7,  
1789.

R. 129. All amendments made to a report committed to a Committee of the Whole House shall be noted, and reported, as in the case of bills.

April 7,  
1789.

R. 130. All questions, whether in Committee or in the House, shall be propounded in the order in which they were moved, except that, in filling up blanks, the largest sum and longest time shall be first put.

Nov'r 13,  
1794.

R. 131. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House.

Nov. 13,  
1794.

R. 132. No sum or quantum of tax or duty, voted by a Committee of the Whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance.

\* This refers to bills in manuscript and bills from the Senate. It was long after the date of this rule that the practice of printing the bills was adopted.

† See rule 63-64 & 65.



ADOPTED.

Nov. 13,  
1794.

R. 133. All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House.\*

April 7,  
1799.

R. 134. The rules of proceedings in the House shall be observed in a Committee of the Whole House, so far as they may be applicable, except the rule limiting the times of speaking; [but no member shall speak twice to any question, until every member choosing to speak shall have spoken.]

Dec. 17,  
1805.

July 27,  
1848.

R. 135. In Committee of the Whole on the state of the Union† the bills shall be taken up and disposed of in their order on the calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside; provided that general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee, and when demanded by any member, the question shall first be put in regard to them.

Nov. 13,  
1794.

March 13,  
1822.

April 26,  
1828.

R. 136. No standing rule or order of the House shall be rescinded or changed‡ without one day's notice being given of the motion therefor; [nor shall any rule be suspended, except by a vote of at least two-thirds of the members present;§] nor shall the order of business, as

\* This rule, as first adopted, required all proceedings touching appropriations of money to be first *moved* in Committee of the Whole. The word "*moved*" was struck out on the 17th December, 1805, as it was found, in practice, greatly to retard public business.

† See note to rule 30, page 76.

‡ The words "or changed" were added on the 23d December, 1811.

§ This rule was amended at this place, June 18, 1841, [extra session 27th Congress,] by inserting these words: "It shall not be in order to move a suspension of the rules for any purpose, until after the daily call for petitions, reports of committees, and resolutions shall be completed, except for a motion to proceed to the orders of the day." At the commencement of the next ses-

ADOPTED.

Jan'y 25,  
1843.

established by the rules, be postponed or changed, except by a vote of at least two-thirds of the members present.

March 11,  
1844.

[The House may, at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the Committee of the Whole House, and the Committee of the Whole House on the state of the Union] from the further consideration of any bill referred to it, after acting without debate on all amendments pending, and that may be offered.\*

Dec. 18,  
1847.

R. 137. Except during the last ten days of the session, the Speaker shall not entertain a motion to suspend the rules of the House at any time, except on Monday of every week: provided nothing herein contained shall be construed to alter so much of the 136th rule as provided as follows: "The House may at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and, also, for providing for the discharge of the committee from the further consideration of any bill referred to it, after acting without debate on all amendments pending, and that may be offered.

March 13,  
1822.

R. 138. It shall be in order for the Committee on Enrolled Bills to report at any time.

Sept. 15,  
1837

R. 139. The rules of Parliamentary Practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the

sion, the House adopted the rules of the 26th Congress, by which this and all other amendments made at the extra session fell.

\* December 4, 1843, the rules of the 27th Congress were adopted, with the exception of this rule. On the 11th March, 1844, this rule was re-adopted.

ADOPTED.

House, and the Joint Rules of the Senate and House of Representatives.\*

R. 140. No person shall be permitted to perform divine service in the chamber occupied by the House of Representatives, unless with the consent of the Speaker.

May 19,  
1804.

R. 141. The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of ten cents each way; but nothing shall be paid for travelling home when the witness has been summoned at the place of trial.

June 5,  
1832.

R. 142. The Clerk shall, within thirty days after the close of each session of Congress, cause to be completed the printing and primary distribution, to members and delegates, of the Journal of the House, together with an accurate index to the same.

June 18,  
1832.

R. 143. There shall be retained in the library of the Clerk's office, for the use of the members there, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited in the library.

Dec. 22,  
1826.

R. 144. The Clerk shall have preserved for each member of the House an extra copy, in good binding, of all the documents printed by order of either House at each future session of Congress.

Febr'y 9,  
1831.

R. 145. The Clerk shall make a weekly statement of the resolutions and bills (Senate bills inclusive) upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the date of such orders and proceedings; which statement shall be printed for the use of the members.

April 21,  
1836.

\* The rules of Congress embrace all that is essential in common legislative proceedings. In order, however, to meet any contingency and gratify curiosity, Jefferson's Manual, with all the Latin phrases translated, has been inserted in the latter part of this volume. See page 147.

## ADOPTED.

July 4,  
1832.

R. 146. The Clerk shall cause an index to be prepared to the acts passed at every session of Congress, and to be printed and bound with the acts.

May. 26,  
1824.

R. 147. The unappropriated rooms in that part of the Capitol assigned to the House shall be subject to the order and disposal of the Speaker, until the further order of the House.

March 2,  
1837; Sept.  
11, 1837.

R. 148. Maps accompanying documents shall not be printed, under the general order to print, without the special direction of the House.

Dec. 14,  
1838.

R. 149. No committee shall be permitted to employ a clerk at the public expense, without first obtaining leave of the House for that purpose.

March 8,  
1842.

R. 150. No extra compensation shall be allowed to any officer or messenger, page, laborer, or other person in the service of the House, or engaged in or about the public grounds or buildings: and no person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government, or be interested in such claim otherwise than an original claimant; and it shall be the duty of the Committee of Accounts to inquire into and report to the House any violation of this rule.

Febr'y 26,  
1846.

R. 151. Upon the engrossment of any bill making appropriations of money for works of internal improvement of any kind or description, it shall be in the power of any member to call for a division of the question, so as to take a separate vote of the House upon each item of improvement or appropriation contained in said bill, or upon such items separately, and others collectively, as the member making the call may specify; and if one-fifth of the members present second said call, it shall be the duty of the Speaker to make such divisions of the question, and put them to vote accordingly.

Jan. 30,  
1846.

R. 152. The following resolution was passed by the



ADOPTED.

House of Representatives, January 30, 1846.—*Journal Ho. Reps., 1st sess. 29th Congress, page 323.*

“Whereas the Clerk of this House is by law made the responsible officer for the proper disbursement of the contingent fund, and is required to give bond for the faithful disbursement thereof: therefore,

“*Resolved*, That, from and after the passage of this resolution, all contracts, bargains, or agreements, relative to the furnishing any matter or thing, or for the performance of any labor for the House of Representatives, be made with the Clerk, or approved by him, before any allowance shall be made therefor by the Committee of Accounts.”

#### JOINT RULES AND ORDERS OF THE TWO HOUSES.

RULE 1. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committees shall, at a convenient hour, to be agreed on by their chairman, meet in the conference chamber, and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

Nov. 13,  
1794.

R. 2. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

Nov. 13  
1794.

R. 3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

Nov'r 13,  
1794.

R. 4. Messages shall be sent by such persons as a

Nov'r 13,  
1794.

ADOPTED.

sense of propriety in each House may determine to be proper.

Nov. 13,  
1794.

R. 5. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

Nov. 13,  
1794.

R. 6. After a bill shall have passed both Houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

Nov. 13,  
1794, and  
Feb. 1, 1827

R. 7. When bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

Nov. 13,  
1794.

R. 8. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, then by the President of the Senate.

Nov. 13,  
1794.

R. 9. After a bill shall have been thus signed in each House, it shall be presented, by the said committee, to the President of the United States, for his approbation, (it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same did originate,) and shall be entered on the Journal of each House. The said committee shall report the day of presentation to the President; which time shall also be carefully entered on the Journal of each House.

Nov. 13,  
1794.

R. 10. All orders, resolutions, and votes, which are to be presented to the President of the United States, for his

ADOPTED.

approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in the cases of bills.

R. 11. When the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

Nov. 13,  
1794.

R. 12. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

R. 13. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without a notice of ten days, and leave of two-thirds of that House in which it shall be renewed.

R. 14. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

R. 15. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

R. 16. No bill that shall have passed one House shall be sent for concurrence to the other on either of the three last days of the session.

Jan'y 30,  
1822.

R. 17. No bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States, for his approbation, on the last day of the session.

Jan'y 30,  
1822.

R. 18. When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

Febr'y 9,  
1829.

R. 19. No spirituous liquors shall be offered for sale, or exhibited, within the Capitol, or on the public grounds adjacent thereto.

Sept. 18  
1837.

## ADOPTED.

Joint resolution (section 2) of the 1st session 29th Congress.

R. 20. A committee, consisting of three members of the Senate and three members of the House of Representatives, shall be chosen by their respective Houses, which shall constitute a Committee on Printing, which shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay on the part of the contractor to execute the work ordered by Congress, and to make a *pro rata* reduction in the compensation allowed, or to refuse the work altogether, should it be inferior to the standard; and in all cases, the contractor and his securities shall be responsible for any increased expenditure consequent upon the non-performance of the contract. The committee shall audit and pass upon all accounts for printing; but no bill shall be acted upon for work that is not actually executed and delivered, and which they may require to be properly authenticated.

1st session  
30th Cong.

R. 21. It shall be in order for the Committee on Printing to report at any time.

Aug. 14,  
1848.

R. 22. After six days from the commencement of a second or subsequent session of Congress, all bills, resolutions, or reports which originated in either House, and, at the close of the next preceding session, remained undetermined in either House, shall be resumed and acted on in the same manner as if an adjournment had not taken place.



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OF THE  
HOUSE OF REPRESENTATIVES,  
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\*So much as relates to reasons for being excused rescinded at 2d sess. 29th Congress.

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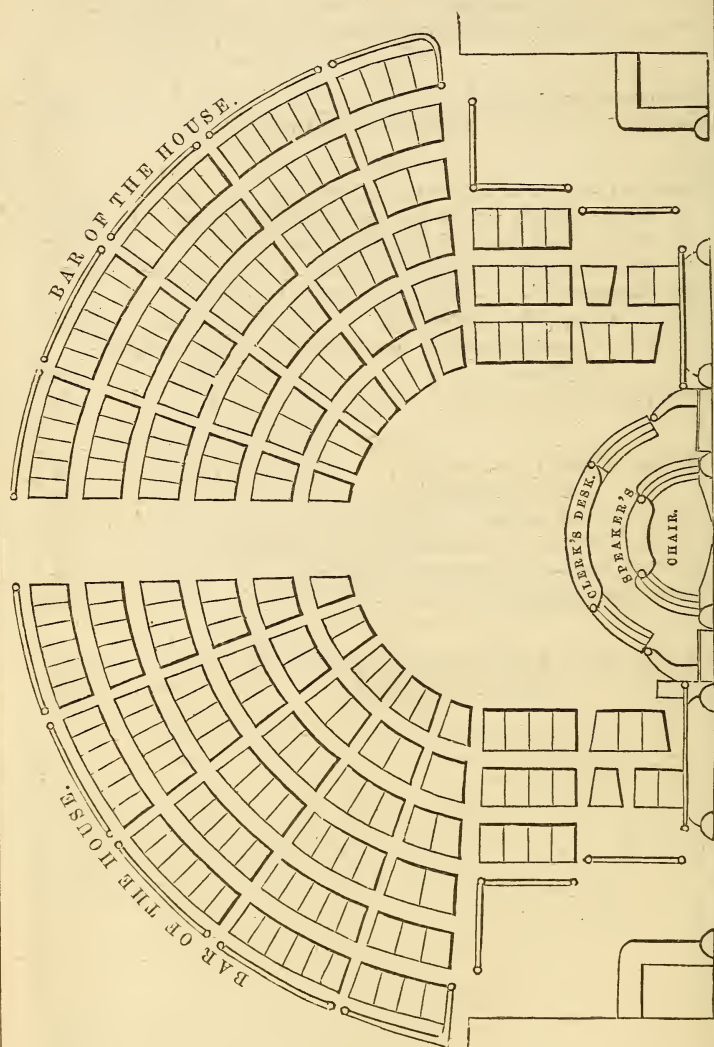
|                                                                                                                                                          | Rule   |
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INSIDE VIEW OF A LEGISLATIVE HALL



ON THE PLAN OF THE HOUSE OF REPRESENTATIVES, U. S.

RULES  
FOR  
CONDUCTING BUSINESS  
IN THE  
SENATE OF THE UNITED STATES.

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CORRESPONDING  
RULE OF HOUSE  
OF REPRESENTA-  
TIVES OF U. S.

Rule 1,  
H. Reps.

Rule 2,  
H. Reps.

Rule 31,  
H. Reps.

Rule 37,  
H. Reps.

Rule 33,  
H. Reps.

Rule 35,  
H. Reps.

RULE 1. The President having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries.

R. 2. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspaper, while the Journals or public papers are reading, or when any member is speaking in any debate.

R. 3. Every member, when he speaks, shall address the Chair, standing in his place; and, when he has finished, shall sit down.

R. 4. No member shall speak more than twice, in any one debate, on the same day, without leave of the Senate.

R. 5. When two members rise at the same time, the President shall name the person to speak; but in all cases the member who shall first rise and address the Chair shall speak first.

R. 6. When a member shall be called to order by the President, or a Senator, he shall sit down; and every question of order shall be decided by the President, with-

COR. RULE  
H. REPS.

out debate, subject to an appeal to the Senate; and the President may call for the sense of the Senate on any question of order.

Rule 36,  
H. Reps.

R. 7. If the member be called to order by a senator for words spoken, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge of the matter.

Rules 63,  
64, 65, 66,  
H. Reps.

R. 8. No member shall absent himself from the service of the Senate, without leave of the Senate first obtained. And, in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-arms, or any other person or persons by them authorized, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund. And this rule shall apply as well to the first convention of the Senate at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

Rule 43,  
H. Reps.

R. 9. No motion shall be debated until the same shall be seconded.

Rule 44,  
H. Reps.

R. 10. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and read, before the same shall be debated.

Rule 46,  
H. Reps.

R. 11. When a question is under debate, no motion shall be received but, 1st, to adjourn, 2d, to lie on the table, 3d, to postpone indefinitely, 4th, to postpone to a day certain, 5th, to commit, or, 6th, to amend; which several motions shall have precedence in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

Rule 53,  
H. Reps.

R. 12. If the question in debate contains several points,



COR. RULE  
H. REPS

any member may have the same divided : but, on a motion to strike out and insert, it shall not be in order to move for a division of the question : but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition ; nor prevent a subsequent motion, simply to strike out ; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

R. 13. In filling up blanks, the largest sum and longest time shall be first put.

Rule 130,  
H. Reps.

R. 14. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, and without debate.

Rule 57,  
H. Reps.

R. 15. The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the special orders of the day.

Rule 53  
H. Reps.

R. 16. When the yeas and nays shall be called for by one-fifth of the members present,\* each member called upon shall, unless for special reason he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the house, the names of the members shall be taken alphabetically.

Rule 62,  
H. Reps

R. 17. When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

Rules 40,  
41, 42, H.  
Reps

R. 18. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared ; and, during the discussion of such motion, the doors shall remain shut.

Rule 112,  
H. Reps.

\* See Art. I., Sec. 5., page 12 Constitution of the U. States.

COR. RULE  
H. REPS.  
Rule 24,  
H. Reps.

R. 19. No motion shall be deemed in order, to admit any person or persons whatsoever within the doors of the Senate chamber to present any petition, memorial, or address, or to hear any such read.

Rule 56,  
H. Reps

R. 20. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof: but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion upon which the vote was taken, shall have gone out of the possession of the Senate, announcing their decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the next two days of actual session of the Senate thereafter.

Rule 12,  
and note,  
H. Reps.

R. 21. When the Senate are equally divided, the Secretary shall take the decision of the President.

Rule 4,  
H. Reps.

R. 22. All questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States; and the senators shall signify their assent or dissent, by answering, *ay\** or *no.\**

Rule 6,  
H. Reps.

R. 23. The Vice President, or President of the Senate *pro tempore*, shall have the right to name a member to perform the duties of the chair; but such substitution shall not extend beyond an adjournment.

Rule 23,  
H. Reps.

R. 24. After the Journal is read, the President shall first call for petitions, and then for reports from standing committees; and every petition or memorial, or other paper, shall be referred, of course, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition, memorial, or other paper, is presented. And before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced

---

\* See Constitution of the U. States, Art. I., Sec. 5, p. 12.

by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer.

R. 25. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill; and all bills reported by a committee, shall, after the first reading, be printed for the use of the Senate: but no other paper or document shall be printed for the use of the Senate, without special order.

R. 26. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise. And all resolutions proposing amendments to the constitution, or to which the approbation and signature of the President may be requisite, or which may grant money out of the contingent or any other fund, shall be treated, in all respects, in the introduction and form of proceedings on them, in the Senate, in a similar manner with bills; and all other resolutions shall lie on the table one day for consideration, and also reports of committees.

R. 27. No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

R. 28. All bills on a second reading shall first be considered by the Senate in the same manner as if the Senate were in committee of the whole, before they shall be taken up and proceeded on by the Senate agreeably to the standing rules, unless otherwise ordered. And when the Senate shall consider a treaty, bill, or resolution, as in committee of the whole, the Vice President, or President *pro tempore*, may call a member to fill the chair, during the time the Senate shall remain in committee of the whole: and the chairman so called shall, during such time, have the powers of a President *pro tempore*.

COR. RULE  
H. REPS.

Rule 114,  
H. Reps.

Rule 115,  
H. Reps.

Rule 117  
H. Reps

Rule 117,  
H. Reps

COR. RULE  
H. REPS.  
Rule 117,  
H. Reps.

R. 29. The final question, upon the second reading of every bill, resolution, constitutional amendment, or motion, originating in the Senate, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment, or motion, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, constitutional amendment, or motion, shall be again read a second time, and considered as in committee of the whole, and then the afore-said question shall be again put.

Rule 27,  
H. Reps.

R. 30. The special orders of the day shall not be called by the Chair before one o'clock, unless otherwise directed by the Senate.

Rule 123,  
H. Reps.

R. 31. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the Journals.

Rules 6,  
44, 142, H.  
Reps.

R. 32. The proceedings of the Senate, when not acting as in committee of the whole, shall be entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted on the Journal.

Rule 76,  
H. Reps.

R. 33. The following standing committees, to consist of five members each, shall be appointed at the commencement of each session, with leave to report by bill or otherwise:

A Committee on Foreign Relations.

A Committee on Finance.



A Committee on Commerce.

A Committee on Manufactures.

A Committee on Agriculture.

A Committee on Military Affairs.

A Committee on the Militia.

A Committee on Naval Affairs.

A Committee on Public Lands.

A Committee on Private Land Claims.

A Committee on Indian Affairs.

A Committee of Claims.

A Committee on Revolutionary Claims.

A Committee on the Judiciary.

A Committee on the Post Office and Post Roads.

A Committee on Roads and Canals.

A Committee on Pensions.

A Committee on the District of Columbia.

A Committee on Patents and the Patent Office.

A Committee on Retrenchment, to consist of five members, whose duty it shall be to take into consideration the expenditures of the government in the several departments thereof, and to inquire whether any, and, if any, what retrenchment can be made, without injury to the public service; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

A Committee on Territories, to consist of five members.

A Committee of three members, whose duty it shall be to audit and control the contingent expenses of the Senate.

A Committee on Public Buildings, to consist of three members, to act jointly with the same committee of the House of Representatives.

A Committee on Printing, to consist of three members, to whom shall be referred every question on the printing of documents, reports, or other matter transmitted by

COR. RULE  
H. REPS.

either of the executive departments, and all memorials, petitions, accompanying documents, together with all other matter, the printing of which shall be moved, excepting bills originating in Congress, resolutions offered by any senator, communications from the legislatures of the respective States, and motions to print by order of the standing committees of the Senate; and it shall be the duty of such Committee on Printing to report in every case in one day, or sooner, if practicable

And a committee, consisting of three members, whose duty it shall be to examine all bills, amendments, resolutions, or motions, before they go out of possession of the Senate, and shall deliver the same to the Secretary of the Senate, who shall enter upon the Journal that the same have been correctly engrossed.

Rules 7, 8,  
H. Reps.

R. 34. In the appointment of the standing committees the Senate will proceed by ballot severally to appoint the chairman of each committee, and then, by one ballot, the other members necessary to complete the same; and a majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice. When any subject or matter shall have been referred to a committee, any other subject or matter of a similar nature may, on motion, be referred to such committee.

Rule 47,  
H. Reps.

R. 35. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

Executive  
business,  
&c.  
Rule 61,  
H. Reps.

R. 36. When nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. Nominations neither approved nor rejected during the session at which they are made, shall not be acted upon

COR. RULE  
H. REPS.

at any succeeding session without being again made by the President. When the President of the United States shall meet the Senate in the Senate chamber, the President of the Senate shall have a chair on the floor, considered as the head of the Senate, and his chair shall be assigned to the President of the United States. When the Senate shall be convened by the President of the United States to any other place, the President of the Senate and senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

R. 37. Whenever a treaty shall be laid before the Senate for ratification, it shall be read a first time for information only; when no motion to reject, ratify, or modify the whole, or any part, shall be received. Its second reading shall be for consideration and on a subsequent day; when it shall be taken up as in committee of the whole, and every one shall be free to move a question on any particular article, in this form: "Will the Senate advise and consent to the ratification of this article?" or to propose amendments thereto, either by inserting or by leaving out words; in which last case, the question shall be, "Shall these words stand as part of the article?" And in every of the said cases, the concurrence of two-thirds of the senators present shall be requisite to decide affirmatively. And when through the whole, the proceedings shall be stated to the house, and questions shall be again severally put thereon for confirmation, or new ones proposed, requiring, in like manner, a concurrence of two-thirds, for whatever is retained or inserted; the votes so confirmed shall, by the house, or a committee thereof, be reduced into the form of a ratification, with or without modifications, as may have been decided, and shall be proposed on a subsequent day, when every one shall again be free to move amendments, either by inserting or leaving out words; in which last

See Const  
U. S., Art.  
II, Sec. 2,  
page 28.

COR. RULE  
H. REPS.

case, the question shall be, "Shall these words stand as part of the resolution?" And, in both cases, the concurrence of two-thirds shall be requisite to carry the affirmative, as well as, on the final question, to advise and consent to the ratification in the form agreed to.

Rule 112,  
H. Reps.

R. 38. All confidential communications, made by the President of the United States to the Senate, shall be by the members thereof kept secret; and all treaties which may be laid before the Senate shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy.

Rule 112,  
H. Reps.

R. 39. All information or remarks, touching or concerning the character or qualifications of any person nominated by the President to office, shall be kept secret.

Rule 112,  
H. Reps.

R. 40. When acting on confidential or executive business, the Senate shall be cleared of all persons, except the Secretary, the principal or the executive Clerk, the Sergeant-at-arms and Doorkeeper, and the Assistant Doorkeeper.

Rule 142,  
H. Reps.

R. 41. The legislative proceedings, the executive proceedings, and the confidential legislative proceedings of the Senate, shall be kept in separate and distinct books.\*

Cons. U. S.  
Art. II.,  
Sec. 3.

R. 42. The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate; and all nominations approved, or definitively acted on by the Senate, shall be returned by the Secretary, from day to day, as such proceedings may occur; but no further extract from the executive Journal shall be furnished, except by special order; and no paper, except original treaties transmitted to the Senate by the President of the United States, or any executive officer, shall be returned or delivered from the office of the Secretary, without an order of the Senate for that purpose.

\* See Constitution of the U. States, Art. I., Sec. 5, p. 12.



R. 43. When an amendment to be proposed to the Constitution is under consideration, the concurrence of two-thirds of the members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question.

COR. RULE  
H. REPS.  
CONS. U. S.  
ART. V.,  
SEC. 1.

R. 44. When any question may have been decided by the Senate, in which two-thirds of the members present are necessary to carry the affirmative, any member who votes on that side which prevailed in the question, may be at liberty to move for a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

Rule 56,  
H. Reps.

R. 45. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

Joint R. 4.

R. 46. Messengers are introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.

Rule 27,  
H. Reps.

R. 47. The following persons, and none others, shall be admitted on the floor of the Senate: members of the House of Representatives, and their Clerk; the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Attorney General, and the Postmaster General; the private Secretary of the President, chaplains to Congress, judges of the United States, foreign ministers, and their secretaries; officers who, by name, have received, or shall hereafter receive, the thanks of Congress for their gallantry and good conduct in the service of their country, or who have received medals by a vote of Congress; the governor for the time being of any State or Territory of the Union; the ex-governors of the several States; the ex-officers of the Senate; such gentlemen as have been heads of departments, or members of either branch of Congress; persons who, for the time being, belong to the respective State and Territorial legislatures; and persons belonging to

Rule 17,  
H. Reps.

COR. RULE  
H. REPS.

such legislatures of foreign governments as are in amity with the United States.

Rule 6,  
H. Reps.

R. 48. The presiding officer of the Senate shall have the regulation of such parts of the Capitol and of its passages as are or may be set apart for the use of the Senate and its officers.

Rule 152,  
H. Reps.

R. 49. Whenever a claim is presented to the Senate and referred to a committee, and the committee report that the claim ought not to be allowed, and the report be adopted by the Senate, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimants shall present a memorial for that purpose, stating in what manner the committee have erred in their report, or that new evidence has been discovered since the report, and setting forth the new evidence in the memorial: *Provided*, That this rule shall not extend to any case where an adverse report, not in writing, shall have been made prior to the 25th of January, 1842.

Cons. U. S.  
Art. I.,  
Sec. 5.

R. 50. Any officer or member of the Senate convicted of disclosing for publication any written or printed matter directed by the Senate to be held in confidence shall be liable, if an officer, to dismissal from the service of the Senate, and, in the case of a member, to suffer expulsion from the body.

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TO

## THE RULES OF THE SENATE

OF

## THE UNITED STATES.

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| "    nominations may be considered on the day received, by unanimous                       | - - - - - | 36   |
| CONSTITUTION, what majority requisite to amend a resolution proposing amendments to the    | - - - - - | 43   |
| CONVERSATION among the members, not allowed during the debate, or while papers are reading | - - - - - | 2    |
| D.                                                                                         |           |      |
| DEBATE, no member to speak more than twice, in one day, in the same, without leave         | - - - - - | 4    |
| "    not allowed on a call to order                                                        | - - - - - | 6    |
| "    prohibited on a motion to adjourn                                                     | - - - - - | 11   |
| "    not allowed on a call for reading papers                                              | - - - - - | 14   |
| "    not allowed in taking yeas and nays                                                   | - - - - - | 16   |
| DOCUMENTS, to be printed only by special order                                             | - - - - - | 25   |
| E.                                                                                         |           |      |
| EXECUTIVE RECORD, extracts from, prohibited                                                | - - - - - | 42   |
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## J.

|                                                                                                | Rule |
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| “ every vote to be entered on - - - - -                                                        | 32   |
| “ a brief statement of every memorial, petition, and paper, to be entered on - - - - -         | 32   |
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| “ engrossed bills to be entered on - - - - -                                                   | 32   |

## L.

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| LEAVE to bring in a bill, one day's notice of motion for required - - | 25 |
|-----------------------------------------------------------------------|----|

## M.

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| “ present, not a quorum, empowered to send for absent members - - - - -               | 8  |
| “ shall express assent or dissent by ay or no - - - - -                               | 22 |
| MEMBER, when he speaks, shall address the chair - - - - -                             | 3  |
| “ after speaking shall sit down - - - - -                                             | 3  |
| “ shall speak but twice the same day, in one debate, without leave - - - - -          | 4  |
| “ first rising and addressing the chair, shall speak first - -                        | 5  |
| “ called to order by the President or senator, shall sit down -                       | 6  |
| “ words of, shall be taken down, when called to order by a senator - - - - -          | 7  |
| “ shall not absent himself without leave - - - - -                                    | 8  |
| “ any, may desire a motion to be reduced to writing - - - -                           | 10 |
| “ may have a question divided, if susceptible of division - -                         | 12 |
| “ required to vote when yeas and nays are called - - - -                              | 16 |
| “ not allowed to vote after decision is announced - - - -                             | 17 |
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| MESSENGERS, when introduced - - - - -                                                 | 46 |
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|                                                                                   | Rule |
|-----------------------------------------------------------------------------------|------|
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| “ to admit persons for the purpose of presenting memorial, not in order - - - - - | 19   |
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## N.

|                                                                                         |    |
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## O.

|                                                                                                         |    |
|---------------------------------------------------------------------------------------------------------|----|
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| “ of the day, special, unfinished business has preference in - - - - -                                  | 15 |
| ORDER, interruption of - - - - -                                                                        | 2  |
| “ upon a call to, the member shall sit down - - - - -                                                   | 6  |
| “ questions of, to be decided without debate - - - - -                                                  | 6  |
| “ appeals on questions of, may be made from the President's decision - - - - -                          | 6  |
| “ on questions of, the President may require the sense of the Senate - - - - -                          | 6  |
| “ upon a call to, by a senator, for words spoken, the exceptionable words shall be taken down - - - - - | 7  |

## P.

|                                                                        |    |
|------------------------------------------------------------------------|----|
| PAPERS AND DOCUMENTS not to be printed without special order - - - - - | 25 |
| PERSONS not admitted to present a memorial, &c. - - - - -              | 19 |
| “ entitled to admission on floor, the - - - - -                        | 47 |
| PETITION, before received, contents of, to be stated - - - - -         | 24 |
| “ when received - - - - -                                              | 24 |
| “ how referred - - - - -                                               | 24 |
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|                                                                                                | Rule |
|------------------------------------------------------------------------------------------------|------|
| PRESIDENT to be first addressed by the speaker - - - -                                         | 3    |
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| “ may desire a motion to be reduced to writing - - - -                                         | 10   |
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|                                                                                                        |    |
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|                                                                                                                              | Rule |
|------------------------------------------------------------------------------------------------------------------------------|------|
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|                                                                                                      |      |
|------------------------------------------------------------------------------------------------------|------|
|                                                                                                      | Rule |
|                                                                                                      | 36   |
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|                                                                                                      | 39   |
|                                                                                                      | 40   |
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## Y.

|                |                                                     |   |   |   |   |   |   |   | Rule |
|----------------|-----------------------------------------------------|---|---|---|---|---|---|---|------|
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| "              | " after being taken, no member allowed to enter his |   |   |   |   |   |   |   |      |
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# JEFFERSON'S MANUAL,

CONTAINING THE

RULES OF PARLIAMENTARY PRACTICE,

EXPLANATORY NOTES,

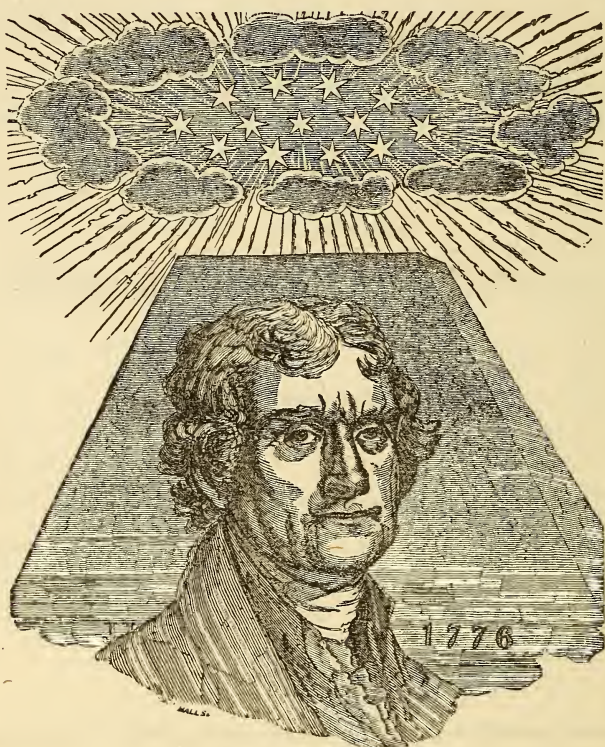
A TRANSLATION OF FOREIGN PHRASES,

WITH

MARGINAL REFERENCES TO THE RULES OF THE TWO HOUSES OF CONGRESS, WHICH HAVE BEEN  
DERIVED THEREFROM,

WITH

AN INDEX.



*Th Jefferson*

AUTHOR OF THE DECLARATION OF INDEPENDENCE AND OF JEFFERSON'S  
MANUAL.



A MANUAL\*  
OF  
PARLIAMENTARY PRACTICE.  
BY THOMAS JEFFERSON.  
IMPORTANCE OF RULES.

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SECTION I.

THE IMPORTANCE OF ADHERING TO RULES.

MR. ONSLOW, the ablest among the Speakers of the House of Commons, used to say, 'It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding: that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power.' So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power, are the forms and rules of proceeding, which have been adopted, as they were found necessary, from time to time, and are become the law of the House; by a strict adherence to which, the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities. [2 Hats. 171, 172.]

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\* This Manual was compiled more than half a century ago by Ex-President Jefferson. Its Parliamentary rules are received as authority, when they do not conflict with those of Congress. See Rule 139, House Representatives, page 134.

And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be an uniformity of proceeding in business, not subject to the caprice of the Speaker, or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body. [2 Hats. 149.]

## SECTION II.

### PRIVILEGE.

THE privileges of the members of Parliament, from small and obscure beginnings, have been advancing for centuries with a firm and never yielding pace. Claims seem to have been brought forward from time to time, and repeated, till some example of their admission enabled them to build law on that example. We can only, therefore, state the point of progression at which they now are. It is now acknowledged, 1st. That they are at all times exempted from question elsewhere for anything said in their own house; that during the time of privilege, 2d, Neither a member himself, his wife, [Ord. of the H. of Com. 1663, July 16,] or his servants, for any matter of their own, may be [Elsynge 217. 1 Hats. 21. 1 Grey's deb. 133,] arrested, on mense process,\* in any civil suit. 3d, Nor be detained under execution, though levied before time of privilege. 4th, Nor impleaded, cited, or subpoenaed in any court. 5th, Nor summoned as a witness or juror. 6th, Nor may their lands or goods be distrained. 7th, Nor their persons assaulted, or characters traduced. And the period of time, covered by privilege, before and after the session, with the practice of short prorogations under the connivance of the crown, amounts in fact to a perpetual protection against the course of justice. In one instance, indeed, it has been relaxed by the 10 G. 3. c. 50, which permits judiciary proceedings to go on against them. That these privileges must be continually progressive seems to result from their rejecting all definition of them; the doctrine being that 'their dignity and independence are preserved by keeping their privileges indefinite;' and that 'the maxims upon which they proceed, together with the method of proceeding, rest entirely in their own breast, and are not defined and ascertained by any particular stated laws.' [1 Blackst. 163, 164.]

While privilege was understood in England to extend, as it does here, only to exemption from arrest eundo, morando, et reuendo,† the House of Commons themselves decided that 'a convenient time was to be understood.' (1580.) [1 Hats. 99, 100.] Nor is the law so strict in

Const. U.  
S. sec. 6, p.  
12.

\* And compelled to give bail.

† For the necessary time of going to, remaining at, and returning from,

point of time as to require the party to set out immediately on his return, but allows him time to settle his private affairs and to prepare for his journey; and does not even scan his road very nicely, nor forfeit his protection for a little deviation from that which is most direct; some necessity, perhaps, constraining him to it. [2 Stra. 986, 987.]

This privilege from arrest, privileges of course against all process the disobedience to which is punishable by an attachment of the person; as a subpoena ad respondendum, or testificandum,\* or a summons on a jury, and with reason; because a member has superior duties to perform in another place.

Privilege from arrest takes place by force of the election; and before a return be made, a member elected may be named of a committee, and is to every intent a member, except that he cannot vote until he is sworn. [Memor. 107, 108. Dewes, 642, col. 2, 643, col. 1. Pet. miscel. parl. 119. Lex. Parl. c. 23. 2 Hats. 22, 62.]

Every man must, at his peril, take notice who are members of either house returned of record. [Lex. Parl. 23, 4. inst. 24.]

On complaint of a breach of privilege, the party may either be summoned, or sent for in custody of the serjeant. [1 Grey, 88, 95.]

The privilege of a member is the privilege of the House. If the member waive it without leave, it is a ground for punishing him, but cannot in effect waive the privilege of the House. [3 Grey, 140, 222.]

For any speech or debate in either house, they shall not be questioned in any other place. [S. P. Protest of the Commons to James I. 1621. 2 Rapin, No. 54, pp. 211, 212.] But this is restrained to things done in the House in a parliamentary course. [1 Rush. 663.] For he is not to have privilege contra morem parliamentarium,† to exceed the bounds and limits of his place and duty. [Com. p.]

If an offence be committed by a member in the House, of which the House has cognizance, it is an infringement of their right for any person or court to take notice of it, till the House has punished the offender, or referred him to a due course. [Lex. Parl. 63.]

Privilege is in the power of the House, and is a restraint to the proceeding of inferior courts; but not of the House itself. [2 Nalson, 450. 2 Grey, 399.] For whatever is spoken in the House is subject to the censure of the House; and offences of this kind have been severely punished by calling the person to the bar to make submission, committing him to the tower, expelling the House, &c. [Scob. 72. L. Parl. c. 22.]

It is a breach of order for the Speaker to refuse to put a question which is in order. [2 Hats. 175, 6. 5 Grey, 133.]

And even in cases of treason, felony, and breach of the peace, to which privilege does not extend as to substance, yet in Parliament a member is privileged as to the mode of proceeding. The case is first to be laid before the House, that it may judge of the fact, and of the grounds of the accusation, and how far forth the manner of the trial may concern their privilege. Otherwise it would be in the power of other branches of the government, and even of every private man, under pretences of treason, &c., to take any man from his service in the House, and so as many, one after another, as would make the House what he pleaseth. [Dec. of the Com. on the King's declaring Sir John Hotham a traitor. 4 Rushw. 586.] So when a member stood indicted

Const. U.  
S. Art. 1,  
Sec. 6, p  
13.

Const. U.  
S. Sec. 6.  
p. 13.

\* A summons for answering or testifying. † Contrary to Parliamentary custom.

of felony, it was adjudged that he ought to remain of the House till conviction. For it may be any man's case, who is guiltless, to be accused and indicted of felony, or the like crime. [23 El. 1580. D'Ewes. 283, col. 1. Lex. Parl. 133.]

When it is found necessary for the public service to put a member under arrest, or when, on any public inquiry, matter comes out which may lead to affect the person of a member, it is the practice immediately to acquaint the House that they may know the reasons for such a proceeding, and take such steps as they think proper. [2 Hats. 259.] Of which see many examples. [Ib. 256, 257, 258.] But the communication is subsequent to the arrest. [1 Blackst. 167.]

It is highly expedient, says Hatsell, for the due preservation of the privileges of the separate branches of the legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence that freedom of debate, which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held, by the members of either of the other branches of the legislature, until the same have been communicated to them in the usual parliamentary manner. [2 Hats. 252. 4 Inst. 15. Seld. Jud. 53.] Thus the king's taking notice of the bill for suppressing soldiers depending before the House; his proposing a provisional clause for a bill before it was presented to him by the two Houses; his expressing displeasure against some persons for matters moved in Parliament during the debate and preparation of a bill, were breaches of privilege; [2 Nalson, 743,] and in 1783, December 17, it was declared a breach of fundamental privileges, &c., to report any opinion, or pretended opinion of the king, on any bill or proceeding depending in either House of Parliament, with a view to influence the votes of the members. [2 Hats. 251, 6.]

### SECTION III.

#### QUORUM.

Const. U.  
S. Art. 1.  
Sec. 5.

In general, the chair is not to be taken till a quorum for business is present; unless, after due waiting, such a quorum be despaired of, when the chair may be taken, and the House adjourned. And whenever, during business, it is observed that a quorum is not present, any member may call for the House to be counted, and being found deficient, business is suspended. [2 Hats. 125, 126.]



## SECTION IV.

## CALL OF THE HOUSE.

ON a call of the House, each person rises up as he is called and answereth; the absentees are then only noted, but no excuse to be made till the House be fully called over. Then the absentees are called a second time, and if still absent excuses are to be heard. [Ord. H. Com. 92.]

They rise that their persons may be recognized; the voice in such a crowd, being an insufficient verification of their presence. But in so small a body as the Senate of the United States the trouble of rising cannot be necessary.

Orders for calls on different days may subsist at the same time. [2 Hats. 72.]

Re. 62, 63,  
H. Reps.  
p. 85.

## SECTION V.

## SPEAKER.

WHEN but one person is proposed, and no objection made, it has not been usual in Parliament to put any question to the House; but without a question, the members proposing him, conduct him to the chair. But if there be objection, or another proposed, a question is put by the Clerk. [2 Hats. 158.] As are also questions of adjournment. [6 Grey, 406.] Where the House debated and exchanged messages and answers with the king for a week, without a Speaker, till they were prorogued, they have done it *die in diem*\* for fourteen days. [1 Chand. 331, 335.]

Where the Speaker has been ill, other Speakers, pro tempore, have been appointed. Instances of this are 1 H. 4. Sir John Cheyney, and so Sir William Sturton, and in 15 H. 6. Sir John Tyrrel, in 1656. Jan. 27, 1658. March 9, 1659. Jan. 13.

Sir Job Charlton ill. Seymour chosen 1673, Feb. 18. } not merely pro  
Seymour being ill, Sir Robt. Sawyer chosen, 1678, } temp. [1 Chand.  
April 15. } 169, 276, 277.]

Sawyer being ill, Seymour chosen.

Thorpe in execution, a new Speaker chosen, [31 H. VI. 3 Grey, 11,] and March 14, 1694, Sir John Trevor chosen. There have been no later instances. 2 Hats. 161. 4 Inst. 8 L. Parl. 263.

A Speaker† may be removed at the will of the House, and a Speaker pro tempore† appointed. [2 Grey, 186. 5 Grey, 134.]

Cons. U.  
S. Art. 1,  
Sec. 2. p. 8.  
and Sec. 3,  
page 9.

\* From day to day.

† For the occasion.



## SECTION VI.

## ADDRESS.

Joint Re.  
11, p. 109.

A JOINT address of both Houses of Parliament is read by the Speaker of the House of Lords. It may be attended by both Houses in a body, or by a Committee from each House, or by the two Speakers only. An address of the House of Commons only, may be presented by the whole House, or by the Speaker, [ 9 Grey, 473. 1 Chandler, 298, 301, ] or by such particular members as are of the Privy Council. [ 2 Hats. 278. ]

## SECTION VII.

## COMMITTEES.

Rule 76,  
H. Rep. p.  
87. Also  
Re. 8, p. 69.

STANDING Committees, as of Privileges and Elections, &c., are usually appointed at the first meeting, to continue through the session. The person first named is generally permitted to act as Chairman. But this is a matter of courtesy; every Committee having a right to elect their own Chairman, who presides over them, puts questions, and reports their proceedings to the House. [ 4 Inst. 11, 12. Scob. 9. 1 Grey, 122. ]

At these Committees the members are to speak standing, and not sitting; though there is reason to conjecture it was formerly otherwise. [ D'Ewes, 630, col. 1. 4 Parl. hist. 440. 2 Hats. 77. ]

Rules 33,  
34, 35, U. S.  
Sen.

Their proceedings are not to be published, as they are of no force till confirmed by the House. [ Rushw. part 3, vol. 2. 74. 3 Grey, 401. Scob. 39. ] Nor can they receive a petition but through the House. [ 9 Grey, 412. ]

When a Committee is charged with an inquiry, if a member prove to be involved, they cannot proceed against him, but must make a special report to the House, whereupon the member is heard in his place, or at the bar, or a special authority is given to the Committee to inquire concerning him. [ 9 Grey, 523. ]

Rule. Ho.  
Rep. 108,  
page 97.

So soon as the House sits, and a Committee is notified of it, the Chairman is in duty bound to rise instantly, and the members to attend the service of the House. [ 2 Nals. 319. ]

It appears that on Joint Committees of the Lords and Commons, each Committee acted integrally in the following instances: [ 7 Grey, 261, 278, 285, 338. 1 Chandler, 357, 462. ] In the following instances it does not appear whether they did or not: [ 6 Grey, 129. 7 Grey, 213, 229, 321. ]

## SECTION VIII.

## COMMITTEE OF THE WHOLE.

THE speeches, messages, and other matters of great concernment, are usually referred to a Committee of the whole House. [ 6 Grey, 311. ] Where general principles are digested in the form of resolutions, which are debated and amended till they get into a shape which meets the approbation of a majority. These being reported and confirmed by the House, are then referred to one or more Select Committees, according as the subject divides itself into one or more bills. [ Scob. 36, 44. ] Propositions for any charge on the people are especially to be first made in a Committee of the Whole. [ 3 Hats. 127. ] The sense of the whole is better taken in Committee, because in all Committees every one speaks as often as he pleases. [ Scob. 49. ] They generally acquiesce in the Chairman named by the Speaker; but, as well as all other Committees, have a right to elect one, some member, by consent, putting the question. [ Scob. 36. 3 Grey, 301. ] The form of going from the House into Committee, is for the Speaker, on motion, to put the question, that the House do now resolve itself into a Committee of the Whole to take under consideration such a matter, naming it. If determined in the affirmative, he leaves the chair, and takes a seat elsewhere, as any other member; and the person appointed Chairman seats himself at the Clerk's table. [ Scob. 36. ] Their quorum is the same as that of the House; and if a defect happens, the Chairman, on a motion and question, rises, the Speaker resumes the chair, and the Chairman can make no other report than to inform the House of the cause of their dissolution. If a message is announced during a Committee, the Speaker takes the chair, and receives it, because the Committee cannot. [ 2 Hats. 125, 126. ]

In a Committee of the Whole, the tellers on a division, differing as to the numbers, great heats and confusion arose, and danger of a decision by the sword. The Speaker took the chair, the mace was forcibly laid on the table, whereupon, the members retiring to their places, the Speaker told the House 'he had taken the chair without an order, to bring the House into order.' Some excepted against it; but it was generally approved as the only expedient to suppress the disorder. And every member was required, standing up in his place, to engage that he would proceed no further in consequence of what had happened in the Grand Committee, which was done. [ 3 Grey, 128. ]

A Committee of the Whole being broken up in disorder, and the chair resumed by the Speaker without an order, the House was adjourned. The next day the Committee was considered as thereby dissolved, and the subject again before the House; and it was decided in the House without returning into Committee. [ 3 Grey, 130. ]

No previous question can be put in a Committee; nor can this Committee adjourn as others may; but if their business is unfinished, they rise, on a question, the House is resumed, and the Chairman reports that the Committee of the Whole have, according to order, had under their consideration such a matter, and have made progress therein;

Re. 131,  
132. & 133,  
H. Repres.  
pages 102,  
103.

Re. 125,  
H. Repres.  
p. 101.

Re. 126,  
p. 101.

Re. 136  
& 137, H.  
Repres. p.  
103 & 104.

but not having had time to go through the same, have directed him to ask leave to sit again. Whereupon a question is put on their having leave, and on the time when the House will again resolve itself into a Committee. [Scob. 38.] But if they have gone through the matter referred to them, a member moves that the Committee may rise, and the Chairman report their proceeding, to the House; which being resolved, the Chairman rises, the Speaker resumes the chair, the Chairman informs him that the Committee have gone through the business referred to them, and that he is ready to make report when the House shall think proper to receive it. If the House have time to receive it, there is usually a cry of 'Now, now,' whereupon he makes the report; but if it be late, the cry is 'To-morrow, to-morrow,' or 'on Monday,' &c., or a motion is made to that effect, and a question put that it be received to-morrow, &c. [Scob. 38.]

Re. 134,  
H. Repres.  
p. 103.

In other things the rules of proceeding are to be the same as in the House. [Scob. 39.]

## SECTION IX.

### EXAMINATION OF WITNESSES.

Re. 141,  
H. Repres.  
p. 105.

COMMON fame is a good ground for the House to proceed by inquiry, and even to accusation. [Resolution House Commons. 1 Car. 1, 1625. Rush. L. Parl. 115. 1 Grey, 16—22, 92. 8 Grey, 21, 23, 27, 45.]

Witnesses are not to be produced but where the House has previously instituted an inquiry, [2 Hats. 102,] nor then are orders for their attendance given blank. [3 Grey, 51.]

When any person is examined before a Committee, or at the bar of the House, any member wishing to ask the person a question, must address it to the Speaker or Chairman, who repeats the question to the person, or says to him, 'you hear the question, answer it.' But if the propriety of the question be objected to, the Speaker directs the witness, counsel, and parties to withdraw; for no question can be moved or put, or debated while they are there. [2 Hats. 108.] Sometimes the questions are previously settled in writing before the witness enters. [Ib. 106, 107. 8 Grey, 64.] The questions asked must be entered in the Journals. [3 Grey, 81.] But the testimony given in answer before the House is never written down; but before a Committee it must be, for the information of the House who are not present to hear it. [7 Grey, 52, 334.]

If either House have occasion for the presence of a person in custody of the other, they ask the other their leave that he may be brought up to them in custody. [3 Hats. 52.]

A member, in his place, gives information to the House of what he knows of any matter under hearing at the bar. [ Jour. H. of C., Jan. 22, 1744—5. ]

Either House may request, but not command the attendance of a member of the other. They are to make the request by message to the other House, and to express clearly the purpose of attendance, that no improper subject of examination may be tendered to him. The House then gives leave to the member to attend, if he choose it; waiting first to know from the member himself whether he chooses to attend, till which they do not take the message into consideration. But when the Peers are sitting as a court of criminal judicature, they may order attendance; unless where it be a case of impeachment by the Commons. There it is to be a request. [ 3 Hats. 17. 9 Grey, 306, 406. 10 Grey, 133. ]

Counsel are to be heard only on private, not on public bills, and on such points of law only as the House shall direct. [ 10 Grey, 61. ]

Rule 50,  
Sen. page  
136.

## SECTION X.

### ARRANGEMENT OF BUSINESS.

The Speaker is not precisely bound to any rules as to what bills or other matter shall be first taken up, but is left to his own discretion, unless the House on a question decide to take up a particular subject. [ Hakew. 136. ]

A settled order of business is, however, necessary for the government of the presiding person, and to restrain individual members from calling up favourite measures, or matters under their special patronage, out of their just turn. It is usual also for directing the discretion of the House, when they are moved to take up a particular matter, to the prejudice of others having priority of right to their attention in the general order of business.

Re. 26, 27,  
II. Reps.  
p. 74.

## SECTION XI.

### ORDER.

In Parliament 'instances make order,' [ per Speaker Onslow, 2 Hats. 141, ] but what is done only by one Parliament, cannot be called custom of Parliament. [ 1 Grey, 52. ]

Const. U.  
S. Art. 1.  
Sec. 5. p.  
12.



## SECTION XII.

## ORDER RESPECTING PAPERS.

Rule 42,  
Sen. page  
134.

THE Clerk is to let no journals, records, accounts, or papers be taken from the table, or out of his custody. [2 Hats. 193, 194.]

Mr. Prynne having, at a Committee of the Whole, amended a mistake in a bill without order or knowledge of the Committee, was reprimanded. [1 Chand. 77.]

A bill being missing, the House resolved that a protestation should be made and subscribed by the members 'before Almighty God and this honourable House, that neither myself nor any other to my knowledge, have taken away, or do at this present conceal a bill entitled,' &c. [5 Grey, 202.]

After a bill is engrossed, it is put into the Speaker's hands, and he is not to let any one have it to look into. [Town. col. 209.]

## SECTION XIII.

## ORDER IN DEBATE.

WHEN the Speaker is seated in his chair, every member is to sit in his place. [Scob. 6. 3 Grey, 403.]

Rule. 31,  
Ho. Reps.  
page 76.

When any member means to speak, he is to stand up in his place, uncovered, and to address himself, not to the House, or any particular member, but to the Speaker, who calls him by his name, that the House may take notice who it is that speaks. [Scob. 6. D'Ewes, 487. Col. 1. 2 Hats. 77. 4 Grey, 66. 8 Grey, 108.] But members who are indisposed may be indulged to speak sitting. [2 Hats. 75, 77. 1 Grey, 195.]

Re. 3, Sen.  
p. 125.

When a member stands up to speak, no question is to be put, but he is to be heard, unless the House overrule him. [4 Grey, 390. 5 Grey, 6, 143.]

Rule 33,  
Ho. Reps.  
p. 76.

If two or more rise to speak nearly together the Speaker determines who was first up, and calls him by name, whereupon he proceeds, unless he voluntarily sits down and gives way to the other. But sometimes the House does not acquiesce in the Speaker's decision, in which case the question is put, 'which member was first up?' [2 Hats. 76. Scob. 7. D'Ewes, 434. Col. 1, 2.]

Re. 5, Sen.  
p. 125.

Re. 34, &  
37, H. Rep.  
pp. 76, 77.  
Re. 4 Sen.  
p. 125.

No man may speak more than once to the same bill on the same day; or even on another day if the debate be adjourned. But if it be read more than once in the same day, he may speak once at every reading.



[Co. 12, 116. Hakew. 148. Scob. 58. 2 Hats. 75.] Even a change of opinion does not give a right to be heard a second time. [Smyth Comw. L. 2, c. 3. Arcan. Parl. 17.]

But he may be permitted to speak again to clear a matter of fact. [3 Grey, 357, 416.] Or merely to explain himself, 2 Hats. 73, in some material part of his speech, Ib. 75, or to the manner or words of the question, keeping himself to that only, and not travelling into the merits of it, [Memorials in Hakew. 29,] or to the orders of the House if they be transgressed, keeping within that line, and not falling into the matter itself. [Mem. in Hakew. 30, 31.]

But if the Speaker rises to speak, the member standing up ought to sit down, that he may be first heard. [Town. col. 205. Hale Parl. 133. Mem. in Hakew. 30, 31.] Nevertheless, though the Speaker may of right speak to matters of order, and be first heard, he is restrained from speaking on any other subject, except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact. [3 Grey, 38.]

No one is to speak impertinently, or beside the question, superfluously or tediously. [Scob. 31, 33. 2 Hats. 166, 168. Hale Parl. 133.]

No person is to use indecent language against the proceedings of the House, no prior determination of which is to be reflected on by any member, unless he means to conclude with a motion to rescind it. [2 Hats. 169, 170. Rushw. p. 3, v. 1, fol. 42.] But while a proposition is under consideration, is still in fieri,\* though it has even been reported by a Committee, reflections on it are no reflections on the House. [9 Grey, 508.]

No person in speaking, is to mention a member then present by his name; but to describe him by his seat in the House, or who spoke last, or on the other side of the question, &c. [Mem. in Hakew. 3 Smyth's Comw. L. 2, c. 3,] nor to digress from the matter to fall upon the person, [Scob. 31. Hale Parl. 133. 2 Hats. 166,] by speaking, reviling, nipping, or unmannerly words against a particular member. [Smyth's Comw. L. 2, c. 3.] The consequences of a measure may be reprobated in strong terms; but to arraign the motives of those who propose or advocate it, is a personality, and against order. Qui digreditur a materia ad personam.† Mr. Speaker ought to suppress. [Ord. Com. 1604, April 19.]

No one is to disturb another in his speech by hissing, coughing, spitting, [6 Grey, 332. Scob. 8. Dewes, 332, col. 1. 640, col. 2,] speaking or whispering to another, [Scob. 6. D'Ewes, 487, col. 1.] nor to stand up or interrupt him, [Town. col. 205. Mem. in Hakew. 31,] nor to pass between the Speaker and the speaking member, nor to go across the House, [Scob. 6,] or to walk up and down it, or to take books or papers from the table, or write there. [2 Hats. 171.]

Nevertheless, if a member finds that it is not the inclination of the House to hear him, and that by conversation, or any other noise, they endeavor to drown his voice, it is his most prudent way to submit to the pleasure of the House, and sit down; for it scarcely ever happens that they are guilty of this piece of ill-manners without sufficient reason, or inattentive to a member who says any thing worth their hearing. [2 Hats. 77, 78.]

Rule 39.  
Ho. Reps.  
p. 78.

Rule 6,  
Sen. p. 125.

\* Progress.

† Those who depart from the subject to personality.

If repeated calls do not produce order, the Speaker may call by his name any member obstinately persisting in irregularity, whereupon the House may require the member to withdraw. He is then to be heard in exculpation, and to withdraw. Then the Speaker states the offence committed, and the House considers the degree of punishment they will inflict. [2 Hats. 167, 7, 8, 172.]

For instances of assaults and affrays in the House of Commons, and the proceedings thereon, see 1 Pet. Misc. 82. 3 Grey, 128. 4 Grey, 328. 5 Grey, 382. 6 Grey, 254. 10 Grey, 8. Whenever warm words, or an assault, have passed between members, the House, for the protection of their members, requires them to declare in their places not to prosecute any quarrel, [3 Grey, 128, 293. 5 Grey, 289,] or orders them to attend the Speaker, who is to accommodate their differences, and report to the House, [3 Grey, 419,] and they are put under restraint if they refuse, or until they do. [9 Grey, 234, 312.]

Disorderly words are not to be noticed till the member has finished his speech. [5 Grey, 356. 6 Grey, 60.] Then the person objecting to them, and desiring them to be taken down by the Clerk at the table, must repeat them. The Speaker then may direct the Clerk to take them down in his minutes. But if he thinks them not disorderly, he delays the direction. If the call becomes pretty general, he orders the Clerk to take them down, as stated by the objecting member. They are then part of his minutes, and when read to the offending member, he may deny they were his words, and the House must then decide by a question whether they are his words or not. Then the member may justify them, or explain the sense in which he used them, or apologize. If the House is satisfied, no further proceeding is necessary. But if two members still insist to take the sense of the House, the member must withdraw before that question is stated, and then the sense of the House is to be taken. [2 Hats. 199. 4 Grey, 170. 6 Grey, 59.] When any member has spoken, or other business intervened, after offensive words spoken, they cannot be taken notice of for censure. And this is for the common security of all, and to prevent mistakes which must happen if words are not taken down immediately. Formerly they might be taken down any time the same day. [2 Hats. 196. Mem. in Hakew. 71. 3 Grey, 48. 9 Grey, 514.]

Disorderly words spoken in a Committee must be written down as in the House; but the Committee can only report them to the House for animadversion. [6 Grey, 46.]

In Parliament to speak irreverently or seditiously against the king is against order. [Smyth's Comw. L. 2, c. 3. 2 Hats. 170.]

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there: because the opinion of each house should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two houses. [8 Grey, 22.]

Neither House can exercise any authority over a member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. Where the complaint is of words disrespectfully spoken by a member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of members. Therefore, it is the duty of the House and more particu-

Re. 35 &  
36, House  
Reps. page  
77.

Rule 7,  
Sen. page  
126.

Joint Re.  
5, p. 108.

larly of the Speaker to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder. [3 Hats. 51.]

No member may be present when a bill or any business concerning himself is debating; nor is any member to speak to the merits of it till he withdraws. [2 Hats. 219.] The rule is that if a charge against a member arise out of a report of a Committee, or examination of witnesses in the House, as a member knows from that to what points he is to direct his exculpation, he may be heard to those points, before any question is moved or stated against him. He is then to be heard, and withdraw before any question is moved. But if the question itself is the charge, as for breach of order, or matter arising in the debate, there the charge must be stated, that is, the question must be moved, himself heard, and then to withdraw. [2 Hats. 121, 122.]

Where the private interests of a member are concerned in a bill or question, he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule, of immemorial observance, should be strictly adhered to. [2 Hats. 119, 121. 6 Grey, 368.]

No member is to come into the House with his head covered, nor remove from one place to another with his hat on, nor put on his hat in coming in, or removing until he be set down in his place. [Scob. 6.]

A question of order may be adjourned to give time to look into precedents. [2 Hats. 118.]

In Parliament, all decisions of the Speaker may be controlled by the House. [3 Grey, 319.]

Const. U  
S. Art. 1,  
Sec. 5. p.  
12.

Rule 40;  
H. Repres.  
p. 78.

Rule 39,  
Ho. Reps.  
p. 78.

Re. 2, H.  
Reps. p. 78.

Rule 6,  
Sen. p. 125.

## SECTION XIV.

### ORDERS OF THE HOUSE.

Of right, the door of the House ought not to be shut, but to be kept by porters, or serjeants at arms, assigned for that purpose. [Mod. Parl. 23.]

The only case, where a member has a right to insist on any thing, is where he calls for the execution of a subsisting order of the House. Here, there having been already a resolution any member has a right to insist that the Speaker, or any other whose duty it is, shall carry it into execution; and no debate or delay can be had on it. Thus any member has a right to have the House or gallery cleared of strangers, an order existing for that purpose; or to have the House told when

Rule 67,  
Ho. Reps.  
page 85.

Rule 18,  
Sen. p. 127



Rule 27,  
H. Repres.  
p. 74.

there is not a quorum present. [ 2 Hats. 87, 129. ] How far an order of the House is binding, see Hakew. 392.

But where an order is made that any particular matter be taken up on a particular day, there a question is to be put when it is called for, whether the House will now proceed to that matter? Where orders of the day are on important or interesting matter, they ought not to be proceeded on till an hour at which the House is usually full.

Orders of the day may be discharged at any time, and a new one made for a different day. [ 3 Grey, 48, 313. ]

When a session is drawing to a close, and the important bills are all brought in, the House, in order to prevent interruption by further unimportant bills, sometimes come to a resolution that no new bill be brought in, except it be sent from the other House. [ 3 Grey, 156. ]

All orders of the House determine with the session; and one taken under such an order may, after the session is ended, be discharged on a habeas corpus.\* [ Raym. 120. Jacob's L. D. by Ruffhead. Parliament, 1 Lev. 165. Prichard's case. ]

## SECTION XV.

### PETITIONS.

A PETITION prays something. A remonstrance has no prayer. [ 1 Grey, 58. ]

Rule 23  
& 24, Ho.  
Repres. p.  
73.

Petitions must be subscribed by the petitioners, [ Scob. 87. L. Parl. c. 22. 9 Grey, 362, ] unless they are attending, [ 1 Grey, 401, ] or unable to sign, and averred by a member. [ 3 Grey, 418. ] But a petition not subscribed, but which the members presenting it affirmed to be all in the hand writing of the petitioner, and his name written in the beginning, was on the question (March 14, 1800,) received by the Senate. The averment of a member or of somebody without doors that they know the hand writing of the petitioners is necessary, if it be questioned. [ 6 Grey, 36. ] It must be presented by a member, not by the petitioners, and must be opened by him, holding it in his hand. [ 10 Grey, 57. ]

Rule 24,  
Sen. page  
128.

Regularly a motion for receiving it must be made and seconded, and a question put whether it shall be received? But a cry from the House of 'received,' or even its silence, dispenses with the formality of this question. It is then to be read at the table and disposed of.

\* "Have you the body." This phrase designates the most emphatic words of a writ issued by a Judge or Court, commanding a person, who has another in custody, or in imprisonment, to have his body before the Judge or Court at a particular time and place, and to state the cause of imprisonment. The person, whether a sheriff, jailor, or other person, is bound to produce the body of the prisoner at the time and place appointed; if the prisoner is illegally detained, the Judge or Court are bound at once to set him at liberty.



## SECTION XVI.

## MOTIONS.

WHEN a motion has been made, it is not to be put to the question or debated until it is seconded. [Scob. 21.]

It is then, and not till then, in possession of the House, and cannot be withdrawn but by leave of the House. It is to be put into writing, if the House or Speaker require it, and must be read to the House by the Speaker as often as any member desires it for his information. [2 Hats. 82.]

It might be asked whether a motion for adjournment or for the orders of the day can be made by one member while another is speaking? It cannot. When two members offer to speak, he who rose first is to be heard, and it is a breach of order in another, to interrupt him, unless by calling him to order, if he departs from it. And the question of order being decided, he is still to be heard through. A call for adjournment, or for the order of the day, or for the question, by gentlemen from their seats, is not a motion. No motion can be made without rising and addressing the chair. Such calls are themselves breaches of order, which though the member who has risen may respect, as an expression of the impatience of the House against further debate, yet, if he chooses, he has a right to go on.

Rule 43,  
Ho. Reps.  
page 79.

Rule 9,  
Sen. page  
126.  
Re. 44, 45,  
H. Reps.  
p. 79.

Rule 46,  
Ho. Reps.  
p. 79.

## SECTION XVII.

## RESOLUTIONS.

WHEN the House commands, it is by an 'order.' But facts, principles, their own opinions, and purposes are expressed in the form of resolutions.

Rule 26,  
Ho. Reps.  
page 74.

## SECTION XVIII.

## BILLS, LEAVE TO BRING IN.

WHEN a member desires to bring in a bill on any subject, he states to the House, in general terms, the causes for doing it, and concludes by

Re. 114,  
Ho. Reps.  
page 99.

moving for leave to bring in a bill entitled, &c. Leave being given, on the question, a Committee is appointed to prepare and bring in the bill. The mover and seconder are always appointed on this Committee, and one or more in addition. [Hakew. 132.]

It is to be presented fairly written, without any erasure or interlineation, or the Speaker may refuse it. [Scob. 41. 1 Grey, 82, 84.]

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## SECTION XIX.

### BILLS, FIRST READING.

Re. 116,  
Ho. Reps.  
page 99.

WHEN a bill is first presented, the Clerk reads it at the table and hands it to the Speaker, who, rising, states to the House the title of the bill, that this is the first time of reading it, and the question will be, whether it shall be read a second time? Then sitting down to give an opening for objections, if none be made, he rises again and puts the question whether it shall be read a second time? [Hakew. 137, 141.] A bill cannot be amended at the first reading, [6 Grey, 286,] nor is it usual for it to be opposed then: but it may be done and rejected. [D'Ewes, 335, col. 1. 3 Hats. 198.]

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## SECTION XX.

### BILLS, SECOND READING.

Re. 117,  
Ho. Reps.  
page 100.

THE second reading must regularly be on another day. [Hakew. 143.] It is done by the Clerk at the table, who then hands it to the Speaker. The Speaker, rising, states to the House the title of the bill, that this is the second time of reading it, and that the question will be, whether it shall be committed, or engrossed, and read a third time? But if the bill came from the other House, as it always comes engrossed, he states that the question will be whether it shall be read a third time? and before he has so reported the state of the bill, no one is to speak to it. [Hakew. 143, 146.]

## SECTION XXI.

## BILLS, COMMITMENT.

If on motion and question it be decided that the bill shall be committed, it may then be moved to be referred to a Committee of the whole house, or to a special Committee. If the latter, the Speaker proceeds to name the Committee. Any member also may name a single person, and the Clerk is to write him down as of the Committee. But the House have a controlling power over the names and number, if a question be moved against any one, and may, in any case, put in and put out whom they please.

Those who take exceptions to some particulars in the bill are to be of the Committee. But none who speak directly against the body of the bill. For he that would totally destroy will not amend it. [Hakew. 146. Town, coll. 208. D'Ewes, 634, col. 2. Scob. 47,] or as is said, [5 Grey, 145,] the child is not to be put to a nurse that cares not for it. [6 Grey, 373.] It is, therefore, a constant rule, 'that no man is to be employed in any matter who has declared himself against it.' And when any member who is against the bill hears himself named of its Committee, he ought to ask to be excused. Thus, March 7, 1606, Mr. Hadley was, on the question being put, excused from being of a Committee, declaring himself to be against the matter itself. [Scob. 46.]

The Clerk may deliver the bill to any member of the Committee. [Town, col. 138.] But it is usual to deliver it to him who is first named.

In some cases the House has ordered a Committee to withdraw immediately into the Committee chamber, and act on, and bring back, the bill, the House continuing to sit. [Scob. 48.]

A Committee meets when and where they please, if the House has not ordered time and place for them. [6 Grey, 370.] But they can only act when together, and not by separate consultation and consent, nothing being the report of the Committee but what has been agreed to in Committee actually assembled.

A majority of the Committee constitutes a quorum for business. [Elsynge's method of passing bills, 11.]

Any member of the House may be present at any select Committee, but cannot vote, and must give place to all of the Committee, and sit below them. [Elsynge, 12. Scob. 49.]

The Committee have full power over the bill, or other paper committed to them, except that they cannot change the title or subject. [8 Grey, 228.]

The paper before a Committee, whether select, or of the whole, may be a bill, resolutions, draught of an address, &c., and it may either originate with them, or be referred to them. In every case, the whole paper is read first by the Clerk, and then by the Chairman by paragraphs, [Scob. 49,] pausing at the end of each paragraph, and putting questions for amending, if proposed. In the case of resolutions on distinct subjects, originating with themselves, a question is put on each

Re. 117,  
Ho. Reps.  
page 100.  
Rule 27,  
Sen. page  
129.

Re. 9, II.  
Reps. p. 69.  
Contrary  
to customs  
of Cong.

Re. 8, II.  
Reps. p. 69.

Re. 127,  
Ho. Reps.  
page 102.

Rule 34,  
Ho. Reps.  
p. 76.

separately, as amended, or unamended, and no final question on the whole. [3 Hats. 276.] But if they relate to the same subject, a question is put on the whole. If it be a bill, draught of an Address, or other paper originating with them, they proceed by paragraphs, putting questions for amending, either by insertion or striking out, if proposed; but no question on agreeing to the paragraphs separately. This is reserved to the close, when a question is put on the whole, for agreeing to it as amended, or unamended. But if it be a paper referred to them, they proceed to put questions of amendment, if proposed, but no final question on the whole; because all parts of the paper having been adopted by the House, stand of course, unless altered, or struck out by a vote. Even if they are opposed to the whole paper, and think it cannot be made good by amendments, they cannot reject it, but must report it back to the House without amendments, and there make their opposition.

Custom  
of House  
of Reps.

The natural order, in considering and amending any paper, is, to begin at the beginning, and proceed through it by paragraphs; and this order is so strictly adhered to in Parliament, that when a latter part has been amended, you cannot recur back and make any alteration in a former part. [2 Hats. 90.] In numerous assemblies this restraint is doubtless important.

To this natural order of beginning at the beginning, there is a single exception found in Parliamentary usage. When a bill is taken up in Committee, or on its second reading, they postpone the preamble, till the other parts of the bill are gone through. The reason is, that on consideration of the body of the bill, such alterations may therein be made as may also occasion the alteration of the preamble. [Scob. 50. 7 Grey, 431.]

Re. 127,  
Ho. Reps.  
p. 102.

When the Committee is through the whole a member moves that the Committee may rise, and the Chairman report the paper to the House, with or without amendments, as the case may be. [2 Hats. 289, 292. Scob. 53. 2 Hats. 290. 8 Scob. 50.]

When a vote is once passed in a Committee, it cannot be altered but by the House, their votes being binding on themselves. June 4, 1607.

The Committee may not erase, interline, or blot the bill itself, but must, in a paper by itself, set down the amendments, stating the words which are to be inserted or omitted, [Scob. 50,] and where, by references to the page, line and word of the bill. [Scob. 50.]

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## SECTION XXII.

### REPORT OF COMMITTEE.

Rule 25,  
Ho. Reps.  
p. 74.

THE Chairman of the Committee, standing in his place, informs the House that the Committee, to whom was referred such a bill, have, according to order, had the same under consideration, and have directed



him to report the same without any amendment, or with sundry amendments, (as the case may be) which he is ready to do when the House pleases to receive it. And he, or any other may move that it be now received. But the cry of 'Now, now,' from the House, generally dispenses with the formality of a motion and question. He then reads the amendments with the coherence in the bill, and opens the alterations, and the reasons of the Committee for such amendments until he has gone through the whole. He then delivers it at the Clerk's table, where the amendments reported are read by the Clerk, without the coherence, whereupon the papers lie on the table till the House, at its convenience, shall take up the report. [Scob. 52. Hakew. 148.]

The report being made, the Committee is dissolved, and can act no more without a new power. [Scob 51.] But it may be revived by a vote, and the same matter recommitted to them. [4 Grey, 361.]

Re. 107,  
Ho. Reps.  
page 97.

## SECTION XXIII.

### BILL, RECOMMITMENT.

AFTER a bill has been committed and reported, it ought not, in an ordinary course, to be recommitted. But in cases of importance, and for special reasons, it is sometimes recommitted, and usually to the same Committee. [Hakew. 151.] If a report be recommitted before agreed to in the House, what has passed in Committee is of no validity; the whole question is again before the Committee, and a new resolution must be again moved, as if nothing had passed. [3 Hats. 131, note.]\*

A particular clause of a bill may be committed without the whole bill, [3 Hats. 131,] or so much of a paper to one, and so much to another Committee.

## SECTION XXIV.

### BILL, REPORT TAKEN UP.

WHEN the report of a paper, originating with a Committee, is taken up by the House, they proceed exactly as in Committee. Here, as in Committee, when the paragraphs have, on distinct questions, been agreed

Re. 135,  
Ho. Reps.  
p. 103.

\* In the Senate, January, 1800, the Salvage Bill was recommitted three times after the commitment.

Rule 29,  
Sen. p. 130.

to seriatim,\* [ 5 Grey, 366. 6 Grey, 368. 8 Grey, 47, 104, 360. 1 Torbuck's deb. 125. 3 Hats. 348, ] no question need be put on the whole report. [ 5 Grey, 381. ]

On taking up a bill reported with amendments, the amendments only are read by the Clerk. The Speaker then reads the first, and puts it to the question, and so on till the whole are adopted or rejected, before any other amendment be admitted, except it be an amendment to an amendment. [ Elsyng's Mem. 53. ] When through the amendments of the Committee, the Speaker pauses, and gives time for amendments to be proposed in the House to the body of the bill: as he does also if it has been reported without amendments; putting no questions but on amendments proposed: and when through the whole, he puts the question whether the bill shall be read a third time?

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## SECTION XXV.

### QUASI†-COMMITTEE.

Contrary  
to House  
Reps. Re.  
34, p. 76.

The particular form of Parliamentary proceeding in Committee of the whole House is the following: 1. In a Committee every member may speak as often as he pleases. 2. The votes of a Committee may be rejected or altered when reported to the House. 3. A Committee, even of the whole, cannot refer any matter to another Committee. 4. In a Committee no previous question can be taken. The only means to avoid an improper discussion is to move that the Committee rise: and if it be apprehended that the same discussion will be attempted on returning into Committee, the House can discharge them, and proceed itself on the business, keeping down the improper discussion by the previous question. 5. A Committee cannot punish a breach of order, in the House, or in the gallery. [ 9 Grey, 113. ] It can only rise and report it to the House, who may proceed to punish.

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## SECTION XXVI.

### BILL, SECOND READING IN THE HOUSE.

Rule 127,  
Ho. Reps.  
p. 102.

IN Parliament, after the bill has been read a second time, if, on the motion and question, it be not committed, or if no proposition for commitment be made, the Speaker reads it by paragraphs, pausing between

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\* In regular order.

† *Just as if*. This means where the whole assembly act just as if in Committee, or a Committee of the whole House.

each, but putting no question but on amendments proposed; and when through the whole, he puts the question whether it shall be read a third time? if it came from the other House. Or, if originating with themselves, whether it shall be engrossed and read a third time? The Speaker rises sitting, but rises to put questions. The Clerk stands while he reads.

Rule 29,  
Sen. page  
130.

The bill being now as perfect as its friends can make it, this is the proper stage for those fundamentally opposed to make their first attack. All attempts at earlier periods are with disjointed efforts; because many who do not expect to be in favor of the bill ultimately, are willing to let it go on to its perfect state, to take time to examine it themselves, and to hear what can be said for it; knowing that, after all, they will have sufficient opportunities of giving it their veto. Its two last stages therefore are reserved for this, that is to say, on the question whether it shall be read a third time? And lastly, whether it shall pass? The first of these is usually the most interesting contest; because then the whole subject is new and engaging, and the minds of the members having not yet been declared by any trying vote, the issue is the more doubtful. In this stage, therefore, is the main trial of strength between its friends and opponents: and it behooves every one to make up his mind decisively for this question, or he loses the main battle; and accident and management may, and often do, prevent a successful rallying on the next and last question, whether it shall pass?

When the bill is engrossed, the title is to be endorsed on the back, and not within the bill. [Hakew. 250.]

Re. 123,  
Ho. Reps.  
page 101.

Where papers are laid before the House, or referred to a Committee, every member has a right to have them once read at the table, before he can be compelled to vote on them. But it is a great, though common error, to suppose that he has a right, toties quoties,\* to have acts, journals, accounts or papers on the table read independently of the will of the House. The delay and interruption which this might be made to produce, evince the impossibility of the existence of such a right. There is indeed so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote, that when he desires the reading, if it be seen that it is really for information, and not for delay, the Speaker directs it to be read without putting a question, if no one objects. But if objected to, a question must be put. [2 Hats. 117, 118.]

It is equally an error to suppose that any member has a right, without a question put, to lay a book or paper on the table, and have it read, on suggesting that it contains matter infringing on the privileges of the House. [2 Hats. 117, 118.]

For the same reason a member has not a right to read a paper in his place, if it be objected to, without leave of the House. But this rigor is never exercised, but where there is an intentional or gross abuse of the time and patience of the House.

A member has not a right even to read his own speech, committed to writing, without leave. This also is to prevent an abuse of time; and therefore is not refused, but where that is intended. [2 Grey, 227.]

Rule 57,  
Ho. Reps.  
page 84.

Formerly, when papers were referred to a Committee, they used to be first read: but of late, only the titles; unless a member insists they shall be read, and then nobody can oppose it. [2 Hats. 117.]

\* Whenever this may occur.

## SECTION XXVII.

## PRIVILEGED QUESTIONS.

Rule 45,  
Ho. Reps.  
page 79.

Re. 130,  
Ho. Reps.  
page 102.

Rule 48,  
Ho. Reps.  
p. 80.

Rule 23,  
Ho. Reps.  
p. 73, and  
Rule 27, p.  
74.

Contrary  
to House  
Reps. Re.  
46, p. 79,  
wh. is con-  
cise and  
definite on  
all these  
six points.

It is no possession of a bill, unless it be delivered to the Clerk to be read, or the Speaker reads the title. [Lex. parl. 274. Elsynge mem. 95. Ord. House of Commons, 64.]

It is a general rule that the question first moved and seconded shall be first put. [Scob. 22, 28. 2 Hats. 81.] But this rule gives way to what may be called privileged questions; and the privileged questions are of different grades among themselves.

A motion to adjourn simply takes place of all others; for otherwise the House might be kept sitting against its will, and indefinitely. Yet this motion cannot be received after another question is actually put, and while the House is engaged in voting.

Orders of the day take place of all other questions, except for adjournment. That is to say, the question which is the subject of an order is made a privileged one, *pro hac vice*.\* The order is a repeal of the general rule as to this special case. When any member moves, therefore, for the orders of the day to be read, no further debate is permitted on the question which was before the House; for if the debate might proceed, it might continue through the day, and defeat the order. This motion, to entitle it to precedence, must be for the orders generally, and not for any particular one; and if it be carried on the question, 'Whether the House will now proceed to the orders of the day,' they must be read and proceeded on in the course in which they stand. [2 Hats. 83.] For priority of order gives priority of right, which cannot be taken away but by another special order.

After these there are other privileged questions which will require considerable explanation.

It is proper that every Parliamentary assembly should have certain forms of question so adopted, as to enable them fitly to dispose of every proposition which can be made to them. Such are, 1. The previous question. 2. To postpone indefinitely. 3. To adjourn a question to a definite day. 4. To lie on the table. 5. To commit. 6. To amend. The proper occasion for each of these questions should be understood.

1. When a proposition is moved, which it is useless or inexpedient now to express or discuss, the previous question has been introduced for suppressing, for that time, the motion and its discussion. [3 Hats. 188, 189.]

2. But as the previous question gets rid of it only for that day, and the same proposition may recur the next day, if they wish to suppress it for the whole of that session, they postpone it indefinitely. [3 Hats. 183.] This quashes the proposition for that session, as an indefinite adjournment is a dissolution or the continuance of a suit, *sine die*† is a discontinuance of it.

3. When a motion is made which it will be proper to act on, but information is wanted, or something more pressing claims the present time,

\* For this time.

† Without naming any particular day.



the question or debate is adjourned to such day within the session as will answer the views of the House. [ 2 Hats. 81. ] And those who have spoken before may not speak again when the adjourned debate is resumed. [ 2 Hats. 73. ] Sometimes, however, this has been abusively used by adjourning it to a day beyond the session, to get rid of it altogether, as would be done by an indefinite postponement.

4. When the House has something else which claims its present attention, but would be willing to reserve in their power to take up a proposition whenever it shall suit them, they order it to lie on their table. It may then be called for at any time.

5. If the proposition will want more amendment and digestion, than the formalities of the House will conveniently admit, they refer it to a Committee.

6. But if the proposition be well digested, and may need but few and simple amendments, and especially if these be of leading consequence, the whole House may then proceed to consider and amend it.

Have these questions any privilege among themselves? Or are they so equal that the common principle of the 'first moved, first put,' takes place among them? This will need explanation. Their competitions may be as follows:

- |                                    |   |           |
|------------------------------------|---|-----------|
| 1. Previous question and postpone. | } |           |
| "                    "             |   | commit.   |
| "                    "             |   | amend.    |
| 2. Postpone and previous question. |   |           |
| "                    "             |   | commit.   |
| "                    "             |   | amend.    |
| 3. Commit and previous question.   |   |           |
| "                    "             |   | postpone. |
| "                    "             |   | amend.    |
| 4. Amend and previous question.    |   |           |
| "                    "             |   | postpone. |
| "                    "             |   | commit.   |

In the first, second, and third classes, and the first member of the fourth class, the rule 'first moved first put' takes place.

The modes of applying the Parliamentary r's on the six forms mentioned at the top of this p., are complicated and lengthy; they tend to retard more than facilitate the dispatch of business.

In the first class, where the previous question is first moved, the effect is peculiar. For it not only prevents the after motion to postpone or commit from being put to question before it, but also from being put after it. For if the previous question be decided affirmatively, to wit, that the main question shall now be put, it would, of course, be against the decision to postpone or commit. And if it be decided negatively, to wit, that the main question shall not now be put, this puts the House out of possession of the main question, and consequently there is nothing before them to postpone or commit. So that neither voting for or against the previous question, will enable the advocates for postponing or committing to get at their object. Whether it may be amended shall be examined hereafter.

Second class. If postponement be decided affirmatively, the proposition is removed from before the House, and consequently there is no ground for the previous question, commitment, or amendment. But, if decided negatively, that it shall not be postponed, the main question may then be suppressed by the previous question, or may be committed, or amended.

The third class is subject to the same observations as the second.

The fourth class. Amendment of the main question first moved, and afterwards the previous question, the question of amendment shall be first put.

Amendment and postponement competing, postponement is first put, as the equivalent proposition to adjourn the main question would be in Parliament. The reason is, that the question for amendment is not suppressed by postponing or adjourning the main question, but remains before the House whenever the main question is resumed; and it might be that the occasion for other urgent business might go by, and be lost by length of debate on the amendment, if the House had it not in their power to postpone the whole subject.

Amendment and commitment. The question for committing, though last moved, shall be first put: because in truth it facilitates and befriends the motion to amend. Scobell is express. 'On a motion to amend a bill, any one may, notwithstanding, move to commit it, and the question for commitment shall be first put.' [Scob. 46.]

We have hitherto considered the case of two or more of the privileged questions contending for privilege between themselves, when both were moved on the original or main question; but now let us suppose one of them to be moved, not on the original primary question, but on the secondary one for example.

Suppose a motion to postpone, commit or amend the main question, and that it be moved to suppress that motion by putting a previous question on it. This is not allowed: because it would embarrass questions too much to allow them to be piled on one another several stories high; and the same result may be had in a more simple way, by deciding against the postponement, commitment or amendment. [2 Hats. 81, 2, 3, 4.]

Suppose a motion for the previous question, or commitment, or amendment, of the main question, and that it be then moved to postpone the motion for the previous question, or for commitment or amendment of the main question. 1. It would be absurd to postpone the previous question, commitment or amendment alone, and thus separate the appendage from its principal. Yet it must be postponed separately from its original, if at all: because when a main question is before the House no motion shall be received but to commit, amend or pre-question the original question. Therefore the motion to postpone the secondary motion for the previous question or for committing or amending, cannot be received. 2. This is a piling of questions one on another, which, to avoid embarrassment, is not allowed. 3. The same result may be had more simply by voting against the previous question, commitment or amendment.

Suppose a commitment moved of a motion for the previous question, or to postpone or amend. The first, second and third reasons before stated all hold good against this.

Suppose an amendment moved to a motion for the previous question. Answer. The previous question cannot be amended. Parliamentary usage fixes its forms to be, Shall the main question be now put? i. e., at this instant. And as the present instant is but one, it can admit of no modification. To change it to tomorrow, or any other moment, is without example, and without utility. But suppose a motion to amend a motion for postponement; as to one day instead of another, or to a special, instead of indefinite time. The useful character of amendment gives it a privilege of attaching itself to a secondary and privileged motion. That is, we may amend a postponement of a main question. So we may amend a commitment of a main question, as by adding, for example, 'with instruc-

tions to inquire, &c.' In like manner, if an amendment be moved to an amendment, it is admitted. But it would not be admitted in another degree, to wit: to amend an amendment to an amendment of a main question. This would lead to too much embarrassment. The line must be drawn somewhere, and usage has drawn it after the amendment to the amendment. The same result must be sought by deciding against the amendment to the amendment, and then moving it again as it was wished to be amended. In this form it becomes only an amendment to an amendment.

In filling a blank with a sum, the motion must be first put on the smallest sum and longest time. [5 Grey, 179. 2 Hats. 81, 83. 3 Hats. 132, 133.] And this is considered to be, not in the form of an amendment to the question, but as alternative or successive originals. In all cases of time or number, we must consider whether the larger comprehends the lesser, as in a question to what day a postponement shall be, the number of a Committee, amount of a fine, term of an imprisonment, the terminus in quem,\* or in any other case. Then the question must begin a maximo.† Or whether the lesser concludes the greater, as in questions on the limitation of the rate of interest, on what day the session shall be closed by adjournment, on what day the next shall commence, or the terminus a quo‡ in any other case, where the question must begin a minimo.§ The object being not to begin at that extreme, which, and more, being within every man's wish, no one could negative it, and yet, if he should vote in the affirmative, every question for more would be precluded; but at that extreme which would unite few, and then to advance or recede till you get to a number which will unite a bare majority. [3 Grey, 376, 384, 385.] 'The fair question in this case is not that to which and more all will agree, but whether there shall be addition to the question.' [1 Grey, 365.]

Another exception to the rule of priority is when a motion has been made to strike out, or agree to a paragraph. Motions to amend it are to be put to the question before a vote is taken on striking out, or agreeing to the whole paragraph.

But there are several questions, which being incidental to every one, will take place of every one, privileged or not, to wit: a question of order arising out of any other question, must be decided before that question. [2 Hats. 88.]

A matter of privilege arising out of any question, or from a quarrel between two members, or any other cause, supersedes the consideration of the original question, and must be first disposed of. [2 Hats. 88.]

Reading papers relative to the question before the House. This question must be put before the principal one. [2 Hats. 88.]

Leave asked to withdraw a motion. The rule of parliament being that a motion made and seconded is in possession of the House, and cannot be withdrawn without leave, the very terms of the rule imply that leave may be given, and consequently may be asked and put to the question.

Rule 130,  
Ho. Reps.  
page 102,  
contrary.

Re. 119,  
Ho. Reps.  
page 100,  
contrary.

Rule 45,  
Ho. Reps.  
different.

\* Term of irredeemability of a loan.

† From the greatest.

‡ When an act shall commence.

§ From the least.



## SECTION XXVIII.

## THE PREVIOUS QUESTION.

Rule 46,  
Ho. Reps.  
contrary.

WHEN any question is before the House, any member may move a previous question, 'Whether that question (called the main question) shall now be put?' If it pass in the affirmative, then the main question is to be put immediately, and no man may speak any thing further to it, either to add or alter. [Memor. in Hakew. 28. 4 Grey, 27.]

This kind of question is understood by Mr. Hatsell to have been introduced in 1604. [2 Hats. 80.] Sir Henry Vane introduced it. [2 Grey, 113, 114. 3 Grey, 384.] When the question was put in this form, 'Shall the main question be put?' A determination in the negative suppressed the main question during the session; but since the words 'now put' are used, they exclude it for the present only. Formerly, indeed, only till the present debate was over, [4 Grey, 43,] but now for that day and no longer. [2 Grey, 113, 114.]

Before the question, 'whether the main question shall now be put?' any person might formerly have spoken to the main question, because otherwise he would be precluded from speaking to it at all. [Mem. in Hakew. 28.]

The proper occasion for the previous question, is when a subject is brought forward of a delicate nature as to high personages, &c., or the discussion of which may call forth observations which might be of injurious consequences. Then the previous question is proposed: and, in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other cases: but in these it is an embarrassing procedure: its uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible.

Rule 50,  
Ho. Reps.  
page 81,  
contrary.

Whether a main question may be amended, after the previous question on it has been moved and seconded? 2 Hats. 88, says, if the previous question has been moved and seconded, and also proposed from the chair (by which he means stated by the Speaker for debate), it has been doubted whether an amendment can be admitted to the main question? He thinks it may, after the previous question moved and seconded, but not after it has been proposed from the chair. In this case he thinks the friends to the amendment must vote that the main question be not now put; and then move their amended question, which, being made new by the amendment, is no longer the same which has been just suppressed, and therefore may be proposed as a new one. But this proceeding certainly endangers the main question, by dividing its friends, some of whom may choose it unamended, rather than lose it altogether: while others of them may vote, as Hatsell advises, that the main question be not now put, with a view to move it again in an amended form. The enemies to the main question, by this manœuvre of the previous question, get the enemies to the amendment added to them on the first vote, and throw the friends of the main question under the embarrassment of rallying again as they can. To support his opinion, too, he makes the deciding circumstance, whether an



amendment may or may not be made, to be that the previous question has been proposed from the chair. But as the rule is, that the house is in possession of a question as soon as it is moved and seconded, it cannot be more than possessed of it by its being also proposed from the chair. It may be said, indeed, that the object of the previous question, being to get rid of a question, which it is not expedient should be discussed, this object may be defeated by moving to amend, and, in the discussion of that motion, involving the subject of the main question. But so may the object of the previous question be defeated by moving the amended question, as Mr. Hatsell proposes, after the decision against putting the original question. He acknowledges, too, that the practice has been to admit a previous amendment, and only cites a few late instances to the contrary. On the whole, I should think it best to decide it ab inconvenienti,\* to put it in the power of one side of the House to defeat a proposition by hastily moving the previous question, and thus forcing the main question to be put unamended; or to put in the power of the other side to force on, incidentally at least, a discussion which would be better avoided? Perhaps the last is the least inconvenience; inasmuch as the Speaker, by confining the discussion rigorously to the amendment only, may prevent their going into the main question, and inasmuch also as so great a proportion of the cases in which the previous question is called for, are fair and proper subjects of public discussion, and ought not to be obstructed by a formality introduced for questions of a peculiar character.

Re. 46 &  
50, House  
Reps. pp.  
79 & 81.

## SECTION XXIX.

### AMENDMENTS.

On an amendment being moved, a member who has spoken to the main question may speak again to the amendment. [Scob. 23.]

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House; but not within the competence of the Speaker to suppress as if it were against order. For were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress, instead of subserving, the legislative will.

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition, by making it bear a sense different from what was intended by the movers, so that they vote against it themselves. [2 Hats. 79, 4, 82, 84.] A new bill may be ingrafted by way of amendment on the words 'Be it enacted,' &c. [1 Grey, 190, 192.]

If it be proposed to amend by leaving out certain words, it may be

Rule 37,  
Ho. Reps.  
page 77.

Rule 55,  
Ho. Reps.  
page 82,  
contrary.

\* Which is most inconvenient.

Re. 119,  
Ho. Reps.  
page 100.

moved as an amendment to this amendment to leave out a part of the words of the amendment, which is equivalent to leaving them in the bill. [2 Hats. 80, 9.] The Parliamentary question is always whether the words shall stand as a part of the bill?

When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can by amendments, before the question is put for inserting it. If it be received, it cannot be amended afterwards, in the same stage; because the House, has on a vote, agreed to it in that form. In like manner if it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can by amendments, before the question is put for striking it out. If on the question it be retained, it cannot be amended afterwards: because a vote against striking out is equivalent to a vote agreeing to it in that form.

When it is moved to amend, by striking out certain words, and inserting others, the manner of stating the question is, first to read the whole passage to be amended as it stands at present, then the words proposed to be struck out, next those to be inserted, and lastly the whole passage as it will be when amended. And the question, if desired, is then to be divided, and put first on striking out. If carried, it is next on inserting the words proposed. If that be lost, it may be moved to insert others. [2 Hats. 80, 7.]

A motion is made to amend by striking out certain words, and inserting others in their place, which is negatived. Then it is moved to strike out the same words, and to insert others of a tenor entirely different from those first proposed. It is negatived. Then it is moved to strike out the same words and insert nothing, which is agreed to. All this is admissible; because to strike out and insert A, is one proposition. To strike out and insert B, is a different proposition. And to strike out and insert nothing, is still different. And the rejection of one proposition does not preclude the offering a different one. Nor would it change the case were the first motion divided by putting the question first on striking out, and that negatived. For as putting the whole motion to the question at once, would not have precluded, the putting the half of it cannot do it.\*

But if it had been carried affirmatively to strike out the words and to insert A, it could not afterwards be permitted to strike out A, and insert B. The mover of B should have notified, while the insertion of A was under debate, that he would move to insert B. In which case those who preferred it would join in rejecting A.

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition. For then it is resolved into the common case of striking out a paragraph after amending it. Nor does any thing forbid a new insertion instead of A and its coherence.†

\* In the case of a division of the question, and a decision against striking out, I advance doubtfully the opinion here expressed. I find no authority either way; and I know it may be viewed under a different aspect. It may be thought, that having decided separately not to strike out the passage, the same question for striking out cannot be put over again: though with a view to a different insertion. Still I think it more reasonable and convenient to consider the striking out, and insertion, as forming one proposition; but should readily yield to any evidence that the contrary is the practice in parliament.

† In Senate, January 25, 1798, a motion to postpone until the second Tuesday in February some amendments proposed to the Constitution. The words 'until the second

A bill passed by the one House with blanks. These may be filled up by the other by way of amendments, returned to the first as such and passed. [3 Hats. 83.]

The number prefixed to the section of a bill, being merely a marginal indication, and no part of the text of the bill, the Clerk regulates that, the House or Committee is only to amend the text.

Re. 130,  
Ho. Reps.  
p. 102, &  
Rule 13,  
Sen. page  
127.

## SECTION XXX.

### DIVISION OF THE QUESTION.

If a question contain more parts than one, it may be divided into two or more questions. [Mem. in Hakew. 29.] But not as the right of an individual member, but with the consent of the House. For who is to decide whether a question is complicated or not? where it is complicated? into how many propositions it may be divided? The fact is, that the only mode of separating a complicated question is, by moving amendments to it; and these must be decided by the House on a question, unless the House orders it to be divided, as on the question Dec. 2, 1640, making void the election of the Knights for Worcester, on a motion, it was resolved to make two questions of it, to wit: one on each knight. [2 Hats. 85, 86.] So wherever there are several names in a question, they may be divided and put one by one. [9 Grey, 444.] So 1729, April 17, on an objection that a question was complicated, it was separated by amendment. [2 Hats. 79, 5.]

Rule 53,  
Ho. Reps.  
page 82.

1798, May 30, the Alien Bill in Quasi-Committee. To a section and

Tuesday in February' were struck out by way of amendment. Then it was moved to add 'until the first day of June.' Objected that it was not in order, as the question should be first put on the longest time; therefore after a shorter time decided against, a longer cannot be put to question. It was answered that this rule takes place only in filling blanks for time. But when a specific time stands part of a motion, that may be struck out as well as any other part of the motion; and when struck out, a motion may be received to insert any other. In fact, it is not till they are struck out, and a blank for the time thereby produced, that the rule can begin to operate, by receiving all the propositions for different times, and putting the questions successively on the longest. Otherwise it would be in the power of the mover, by inserting originally a short time, to preclude the possibility of a longer. For till the short time is struck out, you cannot insert a longer; and if, after it is struck out, you cannot do it, then it cannot be done at all. Suppose the first motion had been to amend by striking out 'the second Tuesday of February,' and inserting instead thereof 'the first of June.' It would have been regular then to divide the question, by proposing first the question to strike out, and then that to insert. Now this is precisely the effect of the present proceeding; only instead of one motion and two questions, there are two motions and two questions to effect it; the motion being divided as well as the question.

When the matter contained in two bills might be better put into one, the manner is to reject the one, and incorporate its matter into another bill by way of amendment. So if the matter of one bill would be better distributed into two, any part may be struck out by way of amendment, and put into a new bill. If a section is to be transposed, a question must be put on striking it out where it stands, and another for inserting it in the place desired.



proviso in the original, had been added two new provisoes by way of amendment. On a motion to strike out the section as amended, the question was desired to be divided. To do this it must be put first on striking out either the former proviso, or some distinct member of the section. But when nothing remains but the last member of the section, and the provisoes, they cannot be divided so as to put the last member to question by itself; for the provisoes might thus be left standing alone as exceptions to a rule when the rule is taken away; or the new provisoes might be left to a second question, after having been decided on once before at the same reading; which is contrary to rule. But the question must be on striking out the last member of the section as amended. This sweeps away the exceptions with the rule, and relieves from inconstance. A question to be divisible, must comprehend points so distinct and entire, that one of them being taken away, the other may stand entire. But a proviso or exception, without an enacting clause, does not contain an entire point or proposition.\*

## SECTION XXXI.

### CO-EXISTING QUESTIONS

Rule 58,  
Ho. Reps.  
page 84,  
contrary.

It may be asked whether the House can be in possession of two motions or propositions at the same time? So that one of them being decided, the other goes to question without being moved anew? The answer must be special. When a question is interrupted by a vote of adjournment, it is thereby removed from before the House, and does not stand ipso facto before them at their next meeting: but must come forward in the usual way. So when it is interrupted by the order of the day. Such other privileged questions also as dispose of the main question (e. g. the previous question, postponement or commitment,) remove it from before the House. But it is only suspended by a mo-

\* May 31. The same bill being before the Senate. There was a proviso that the bill should not extend. 1. To any foreign minister; nor 2. to any person to whom the President should give a passport; nor 3. to any alien merchant conforming himself to such regulations as the President shall prescribe, and a division of the question into its simplest elements was called for. It was divided into four parts, the fourth taking in the words 'conforming himself; &c. It was objected that the words 'any alien merchant' could not be separated from their modifying words 'conforming; &c., because these words, if left by themselves, contain no substantive idea, will make no sense. But admitting that the divisions of a paragraph into separate questions must be so made as that each part may stand by itself, yet the house having, on the question, retained the two first divisions, the words 'any alien merchant' may be struck out, and their modifying words will then attach themselves to the preceeding description of persons, and become a modification of that description.

When a question is divided, after the question on the first member, the second is open to debate and amendment: because it is a known rule, that a person may rise and speak at any time before the question has been completely decided, by putting the negative as well as affirmative side. But the question is not completely put when the vote has been taken on the first member only. One-half of the question, both affirmative and negative, remains still to be put. [See Execut. Journ. June 25, 1795.] The same decision by Ex-President John Adams.

† By that fact.



tion to amend, to withdraw, to read papers, or by a question of order or privilege, and stands again before the House when these are decided. None but the class of privileged questions can be brought forward while there is another question before the House, the rule being, that when a motion has been made and seconded, no other can be received, except it be a privileged one.

Rule 46,  
Ho. Reps.  
page 79.

## SECTION XXXII.

### EQUIVALENT QUESTIONS.

IF, on a question for rejection, a bill be retained, it passes of course to its next reading. [Hakew. 141. Scob. 42.] And a question for a second reading, determined negatively, is a rejection without farther question. [4 Grey, 149. And see Elsynge's memor. 42,] in what cases questions are to be taken for rejection.

Res. 115  
and 116,  
Ho. Reps.  
page 99.

Where questions are perfectly equivalent, so that the negative of the one amounts to the affirmative of the other, and leaves no other alternative, the decision of the one concludes necessarily the other. [4 Grey, 157.] Thus the negative of striking out amounts to the affirmative of agreeing; and therefore to put a question on agreeing after that on striking out, would be to put the same question in effect twice over. Not so in questions of amendments between the two Houses. A motion to recede being negatived, does not amount to a positive vote to insist, because there is another alternative, to wit, to adhere.

Rule 27,  
Ho. Reps.  
page 74.

A bill originating in one House, is passed by the other with an amendment. A motion in the originating House to agree to the amendment is negatived. Does there result from this a vote of disagreement, or must the question on disagreement be expressly voted? The questions respecting amendments from another House are: 1st, to agree; 2d, disagree; 3d, recede; 4th, insist; 5th, adhere.

1st. To agree, } Either of these concludes the other necessarily,  
2d. To disagree. } for the positive of either is exactly the equivalent of the negative of the other, and no other alternative remains. On either motion amendments to the amendment may be proposed, e. g. if it be moved to disagree, those who are for the amendment have a right to propose amendments, and to make it as perfect as they can, before the question of disagreeing is put.

3d. To recede. You may then either insist or adhere.

4th. To insist. You may then either recede or adhere.

5th. To adhere. You may then either recede or insist.

Consequently the negative of these is not equivalent to a positive vote the other way. It does not raise so necessary an implication as may authorize the Secretary by inference to enter another vote: for two alternatives still remain, either of which may be adopted by the House.

## SECTION XXXIII.

## THE QUESTION.

Res. 4 &  
34. Ho.  
Reps. pp.  
67 & 76.

THE question is to be put first on the affirmative, and then on the negative side.

After the Speaker has put the affirmative part of the question, any member who has not spoken before to the question, may rise and speak before the negative be put. Because it is no full question till the negative part be put. [Scob. 23. 2 Hats. 73.]

But in small matters, and which are of course such as receiving petitions, reports, withdrawing motions, reading papers, &c., the Speaker most commonly supposes the consent of the House, where no objection is expressed, and does not give them the trouble of putting the question formally. [Scob. 22. 2 Hats. 79, 2, 87. 5 Grey, 129. 9 Grey, 301.]

## SECTION XXXIV.

## BILLS, THIRD READING.

Res. 27 &  
122. Ho.  
Reps. pp.  
74 & 101.

To prevent bills being passed by surprise, the House, by a standing order, directs that they shall not be put on their passage before a fixed hour; naming one at which the house is commonly full. [Hakew. 153.]

A bill reported, and passed to the third reading, cannot on that day be read the third time and passed; because this would be to pass on two readings in the same day.

Res. 26 &  
29, Sen. 1  
c. pp. 129  
& 130.

At the third reading, the Clerk reads the bill, and delivers it to the Speaker, who states the title; that it is the third time of reading the bill; and that the question will be, whether it shall pass. Formerly, the Speaker, or those who prepared a bill, prepared also a brief, or summary statement of its contents, which the Speaker read when he declared the state of the bill at the several readings. Sometimes, however, he read the bill itself, especially on its passage. [Hakew. 136, 137, 153. Coke, 22, 115.]

Latterly, instead of this, he, at the third reading, states the whole contents of the bill verbatim; only, instead of reading the formal parts, 'Be it enacted,' &c., he states, that 'the preamble recites so and so; the first section enacts that,' &c. 'the second section enacts,' &c.

A bill on the third reading is not to be committed for the matter or body thereof; but to receive some particular clause or proviso, it hath been sometimes suffered, but as a thing very unusual. [Hakew. 156.] Thus [27 El. 1584] a bill was committed on the third reading, having been formerly committed on the second; but is declared not usual. [D'Ewes, 337, col. 2, 414, col. 2.]

Res. 115,  
116, & 117,  
Ho. Reps.  
pp. 99 &  
100.

When an essential provision has been omitted, rather than erase the bill, and render it suspicious, they add a clause on a separate paper, engrossed, and called a Rider, which is read and put to the question three times. [Elsynge's Memorials, 59. 6 Grey, 335. 1 Blackst. 183.] For examples of Riders, [see 3 Hats. 121, 122, 124, 126.] Every one is at liberty to bring in a Rider, without asking leave. [10 Grey, 52.]

It is laid down, as a general rule, that amendments proposed at the second reading shall be twice read; and those proposed at the third reading, thrice read; as also all amendments from the other House. [Town. col. 19, 23, 24, 25, 26, 27, 28.]

It is with great, and almost invincible reluctance, that amendments are admitted at this reading, which occasion erasures or interlineations. Sometimes a proviso has been cut off from a bill; sometimes erased. [9 Grey, 513.]

This is the proper stage for filling up blanks; for, if filled up before, and now altered by erasure, it would be peculiarly unsafe.

At this reading the bill is debated afresh, and, for the most part, is more spoken to at this time than on any of the former readings. [Hakew. 153.]

The debate on the question, whether it should be read a third time, has discovered to its friends and opponents the arguments on which each side relies, and which of these appear to have influence with the House; they have had time to meet them with new arguments, and to put their old ones into new shapes. The former vote has tried the strength of the first opinion, and furnished grounds to estimate the issue; and the question now offered for its passage, is the last occasion which is ever to be offered for carrying or rejecting it.

When the debate is ended, the Speaker, holding the bill in his hand, puts the question for its passage, by saying, 'Gentlemen, all you who are of opinion that this bill shall pass say 'aye;' and, after the answer of the ayes, 'all those of the contrary opinion say 'no.' [Hakew. 154.] After the bill is passed there can be no further alteration of it in any point. [Hakew. 159.]

Re. 4. Ho.  
Reps. p. 67.

## SECTION XXXV.

### DIVISION OF THE HOUSE.

THE affirmative and negative of the question having been both put and answered, the Speaker declares whether the yeas or nays have it, by the sound, if he be himself satisfied, and it stands as the judgment of the House. But, if he be not himself satisfied which voice is the greater, or if, before any other member comes into the House, or before any new motion made (for it is too late after that), any member shall rise and declare himself dissatisfied with the Speaker's decision; then the Speaker is to divide the House. [Scob. 24. 2 Hats. 140.]

When the House of Commons is divided, the one party goes forth, and the other remains in the house. This has made it important which go

Re. 4, Ho.  
Rep. p. 67.

forth, and which remain; because the latter gain all the indolent, the indifferent, and inattentive. Their general rule therefore is, that those who give their votes for the preservation of the orders of the House shall stay in, and those who are for introducing any new matter or alteration, or proceeding contrary to the established course, are to go out. But this rule is subject to many exceptions and modifications. [2 Hats. 134. 1 Rush. p. 3, fol. 92. Scob. 43, 52. Co. 12, 116. D'Ewes, 505, col. 1. Mem. in Hakew. 25, 29.]

The one party having gone forth, the Speaker names two tellers from the affirmative, and two from the negative side, who first count those sitting in the House, and report the number to the Speaker. Then they place themselves within the door, two on each side, and count those who went forth, as they come in, and report the number to the Speaker. [Mem. in Hakew. 26.]

A mistake in the report of the tellers may be rectified after the report made. [2 Hats. 145, note.]

Re. 42, Ho.  
Reps. p. 79.

In the House of Commons every member must give his vote, the one way or the other. [Scob. 24.] As it is not permitted to any one to withdraw who is in the House when the question is put; nor is any one to be told in the division who was not in when the question was put. [2 Hats. 140.]

Re. 16, p.  
127, Sen.

This last position is always true, when the vote is by yeas and nays; where the negative as well as affirmative of the question is stated by the President at the same time, and the vote of both sides begins and proceeds *pari passu*.\* It is true, also, when the question is put in the usual way, if the negative has also been put. But if it has not, the member entering, or any other member, may speak, and even propose amendments, by which the debate may be opened again, and the question be greatly deferred. And as some who have answered aye may have been changed by the new arguments, the affirmative must be put over again.

Re. 40, Ho.  
Reps. p.  
180.

If then the member entering may, by speaking a few words, occasion a repetition of the question, it would be useless to deny it, on his simple call for it.

While the House is telling, no member may speak, or move out of his place; for, if any mistake be suspected, it must be told again. [Mem. in Hakew. 26. 2 Hats. 143.]

Re. 2, Ho.  
Rep. p. 67.

If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House, if irregular. He sometimes permits old experienced members to assist him with their advice; which they do, sitting in their seats, covered, to avoid the appearance of debate: but this can only be with the Speaker's leave, else the division might last several hours. [2 Hats. 143.]

The voice of the majority decides. For the *lex majoris partis*† is the law of all councils, elections, &c., where not otherwise expressly provided. [Hakew. 93.] But if the House be equally divided, '*semper presumatur pro negante*;'‡ that is, the former law is not to be changed, but by a majority. [Townes. col. 134.]

Res. 62 &  
63, Ho. Rep.  
p. 85.

When, from counting the House, on a division, it appears that there is not a Quorum, the matter continues exactly in the state in which it

\* With equal gradations, i. e. alphabetically, or otherwise. † Will of the majority.

‡ It is always to be in favor of the negative.



was before the division, and must be resumed at that point on any future day. [2 Hats. 126.]

May 1, 1606, on a question whether a member having said yea, may afterwards sit and change his opinion, a precedent was remembered by the Speaker, of Mr. Morris, attorney of the wards, in 39 Eliz. who, in like case, changed his opinion. [Mem. in Hakew. 27.]

Re. 65, Ho.  
Rep. p. 85.

## SECTION XXXVI.

### TITLE.

AFTER the bill has passed, and not before, the title may be amended, and is to be fixed by a question; and the bill is then sent to the other House.

Re. 127,  
Ho. Reps.  
page 102.

## SECTION XXXVII.

### RECONSIDERATION.

IN Parliament, a question once carried cannot be questioned again at the same session, but must stand as the judgment of the House. [Towns. coll. 67. Mem. in Hakew. 33.] And a bill once rejected, another of the same substance cannot be brought in again the same session. [Hakew. 158. 6 Grey, 392.] But this does not extend to prevent putting the same question in different stages of a bill; because every stage of a bill submits the whole and every part of it to the opinion of the House, as open for amendment, either by insertion or omission, though the same amendment has been accepted or rejected in a former stage. So in reports of Committees, e. g. report of an address, the same question is before the House, and open for free discussion. [Towns. coll. 26. 2 Hats. 98, 100, 101.] So orders of the House, or instructions to Committees, may be discharged. So a bill, begun in one House, sent to the other, and there rejected, may be renewed again in that other, passed and sent back. [Ib. 92. 3 Hats. 161.] Or if, instead of being rejected, they read it once and lay it aside, or amend it, and put it off a month, they may order in another to the same effect, with the same or a different title. [Hakew. 97, 98.]

Rule 56,  
Ho. Reps.  
page 83.

Divers expedients are used to correct the effects of this rule, as by passing an explanatory act, if any thing has been omitted or ill expressed, [3 Hats. 278,] or an act to enforce, and make more effectual an act, &c., or to rectify mistakes in an act, &c., or a Committee on one bill may be instructed to receive a clause to rectify the mistakes of an-

Res. 20  
& 44, Sen.  
pp. 128 &  
135.

Rule 56,  
Ho. Reps.  
page 183.

Res. 20,  
& 44, Sen.  
pp. 128 &  
135.

other. Thus, June 24, 1685, a clause was inserted in a bill for rectifying a mistake committed by a Clerk in engrossing a bill of supply. [2 Hats. 194, 6.] Or the session may be closed for one, two, three or more days, and a new one commenced. But then all matters depending must be finished, or they fall, and are to begin *de novo*.\* [2 Hats. 94 to 98.] Or a part of the subject may be taken up by another bill, or taken up in a different way. [6 Grey, 304, 316.]

And in cases of the last magnitude, this rule has not been so strictly and verbally observed, as to stop indispensable proceedings altogether. [2 Hats. 92, 98.] Thus, when the address on the preliminaries of peace in 1782, had been lost by a majority of one, on account of the importance of the question, and smallness of the majority, the same question in substance, though with some words not in the first, and which might change the opinion of some members, was brought on again and carried; as the motives for it were thought to outweigh the objection of form. [2 Hats. 99, 100.]

A second bill may be passed to continue an act of the same session; or to enlarge the time limited for its execution. [2 Hats. 95, 98.] This is not in contradiction to the first act.

## SECTION XXXVIII.

### BILLS SENT TO THE OTHER HOUSE.

Joint Rs.  
1, 12, 14,  
15 & 16, p.  
107 & 109.

A BILL from the other house is sometimes ordered to lie on the table. [2 Hats. 97.]

When bills passed in one House and sent to the other, are grounded on special facts requiring proof, it is usual either by message, or at a conference, to ask the grounds and evidence; and this evidence, whether arising out of papers, or from the examination of witnesses, is immediately communicated. [3 Hats. 48.]

## SECTION XXXIX.

### AMENDMENTS BETWEEN THE HOUSES.

Joint Re.  
13, p. 109.

WHEN either House, e. g. the House of Commons, sends a bill to the other, the other may pass it with amendments. The regular progression in this case is, that the Commons disagree to the amendment; the lords insist on it; the Commons insist on their disagreement; the lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose, to keep the question open. But the first adherence by either renders

\* Answ.

it necessary for the other to recede or adhere also; when the matter is usually suffered to fall. [10 Grey, 148.] Latterly, however, there are instances of their having gone to a second adherence. There must be an absolute conclusion of the subject somewhere, or otherwise transactions between the Houses would become endless. [3 Hats. 268, 270.] The term of insisting, we are told by Sir John Trevor, was then [1679] newly introduced into parliamentary usage by the lords. [7 Grey, 94.] It was certainly a happy innovation, as it multiplies the opportunities of trying modifications which may bring the Houses to a concurrence. Either House, however, is free to pass over the term of insisting, and to adhere in the first instance. [10 Grey, 146.] But it is not respectful to the other. In the ordinary parliamentary course, there are two free conferences at least before an adherence. [10 Grey, 147.]

Either House may recede from its amendment and agree to the bill; or recede from their disagreement to the amendment, and agree to the same absolutely, or with an amendment. For here the disagreement and receding destroy one another, and the subject stands as before the disagreement. [Elsynge, 23—27. 9 Grey, 476.]

But the House cannot recede from, or insist on, its own amendment, with an amendment, for the same reason that it cannot send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the other House by ingrafting an amendment on it, because they have never assented to it; but they cannot amend their own amendment, because they have, on the question, passed it in that form. [9 Grey, 353. 10 Grey, 240.] [U. S. Senate, March 29, 1798.] Nor where one House has adhered to their amendment, and the other agrees with an amendment, can the first House depart from the form which they have fixed by an adherence.

In the case of a money bill the lords' proposed amendments become, by delay, confessedly necessary. The Commons, however, refused them as infringing on their privilege as to money bills; but they offered themselves to add to the bill a proviso to the same effect, which had no coherence with the lord's amendments; and urged that it was an expedient warranted by precedent, and not unparliamentary in a case become impracticable, and irremediable in any other way. [3 Hats. 256, 266, 270, 271.] But the lords refused, and the bill was lost. [1 Chand. 288.] A like case, [1 Chand. 311.] So the Commons resolved that it is unparliamentary to strike out at a conference any thing in a bill which hath been agreed and passed by both Houses. [6 Grey, 274. 1 Chand. 312.]

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

A bill originating in one House, is passed by the other with an amendment. The originating House agrees to their amendment with an amendment. The other may agree to their amendment with an amendment; that being only in the second and not the third degree. For as to the amending House, the first amendment with which they passed the bill is a part of its text; it is the only text they have agreed to. The amendment to that text by the originating House, therefore, is only in the first degree, and the amendment to that again by the amending House is only in the second, to wit: an amendment to an amendment, and so admissible. Just so when, on a bill from the originating House, the other, at its second reading, makes an amendment;

Joint Rs.  
1, 12, 13,  
14 & 15,  
pp. 107 &  
109.

Joint  
Rule, 5, p.  
108.

on the third reading this amendment is become the text of the bill, and, if an amendment to it be moved, an amendment to that amendment may also be moved, as being only in the second degree.

## SECTION XL.

### CONFERENCES.

Joint  
Rule, 1, p.  
107.

It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them. The request of a conference, however, must always be by the House which is possessed of the papers. [3 Hats. 31. 1 Grey, 425.]

Conferences may be either simple or free. At a conference simply, written reasons are prepared by the House asking it; and they are read and delivered, without debate, to the managers of the other House, at the conference, but are not then to be answered. [3 Grey, 144.]

The other House then, if satisfied, vote the reasons satisfactory, or say nothing. If not satisfied, they resolve them not satisfactory, and ask a conference on the subject of the last conference; where they read and deliver, in like manner, written answers to those reasons. [3 Grey, 183.]

They are meant chiefly to record the justification of each House to the nation at large, and to posterity, and in proof that the miscarriage of a necessary measure is not imputable to them. [3 Grey, 255.]

At free conferences, the managers discuss *viva voce*\* and freely, and interchange propositions for such modifications as may be made in a parliamentary way, and may bring the sense of the two Houses together. And each party reports in writing, to their respective Houses, the substance of what is said on both sides, and it is entered in their Journals. [9 Grey, 220. 3 Hats. 280.]

"This report cannot be amended or altered, as that of a Committee may be." [Journ. Sen. May 24, 1796.]

A conference may be asked, before the House asking it has come to a resolution of disagreement, insisting, or adhering. [3 Hats. 269, 341.] In which case the papers are not left with the other conferees, but are brought back, to be the foundation of the vote to be given. And this is the most reasonable and respectful proceeding. For, as was urged by the lords on a particular occasion, 'It is held vain, and below the wisdom of Parliament, to reason or argue against fixed resolutions, and upon terms of impossibility to persuade.' [3 Hats. 226.]

So the Commons say, 'An adherence is never delivered at a free conference, which implies debate.' [10 Grey, 147.] And, on another occasion, the lords made it an objection, that the Commons had asked a free conference, after they had made resolutions of adhering.

\* With the living voice, i. e. orally



It was then affirmed, however, on the part of the Commons, that nothing was more parliamentary, than to proceed with free conferences after adhering. [3 Hats. 269.] And we do, in fact, see instances of conference, or of free conference, asked after the resolution of disagreeing; [3 Hats. 251, 253, 260, 286, 291, 316, 349;] of insisting, [ib. 280, 296, 299, 319, 322, 355;] of adhering, [269, 270, 283, 300;] and even of a second or final adherence. [3 Hats. 270.]

And in all cases of conference asked after a vote of disagreement, &c. the Conferees of the House asking it are to leave the papers with the Conferees of the other; and in one case where they refused to receive them, they were left on the table in the conference-chamber. [Ib. 271, 317, 323, 354.] [10 Grey, 146.]

After a free conference the usage is to proceed with free conferences, and not to return again to a conference. [3 Hats. 270. 9 Grey, 229.]

After a conference denied a free conference may be asked. [1 Grey, 45.]

When a conference is asked, the subject of it must be expressed, or the conference not agreed to. [Ord. H. Commons, 89. 1 Grey, 425. 7 Grey, 31.] They are sometimes asked to inquire concerning an offence or default of a member of the other House. [6 Grey, 181. 1 Chandler, 304.] Or the failure of the other House to present to the king a bill passed by both Houses. [8 Grey, 302.] Or on information received, and relating to the safety of the nation. [10 Grey, 171.] Or when the methods of Parliament are thought by the one House to have been departed from by the other, a conference is asked to come to a right understanding thereon. [10 Grey, 148.]

So when an unparliamentary message has been sent, instead of answering it they ask a conference. [3 Grey, 155.]

Formerly, an address, or articles of impeachment, or a bill with amendments, or a vote of the House, or concurrence in a vote, or a message from the king, were sometimes communicated by way of conference. [6 Grey, 128, 300, 387. 7 Grey, 80. 8 Grey, 210, 255. 1 Torbuck's Deb. 278. 10 Grey, 293. 1 Chand. 49, 287.] But this is not the modern practice. [8 Grey, 255.]

A conference has been asked after the first reading of a bill. [1 Grey, 194.] This is a singular instance.

Joint Res.  
1, 12, 13,  
14, 15 &  
16, pages  
107 & 109.

## SECTION XLI.

### MESSAGES.

MESSAGES between the Houses are to be sent only while both Houses are sitting. [3 Hats. 15.] They are received during a debate, without adjourning the debate. [3 Hats. 22.]

In the House of Representatives, as in Parliament, if the House be in

Re. 27, Ho.  
Rep. p.  
74, and  
joint rules  
2, 3 and 4,  
page 107.

Re. 27, Ho.  
Reps. p. 74.

Committee when a messenger attends, the Speaker takes the chair to receive the message, and then quits it to return into Committee, without any question or interruption. [ 4 Grey, 226. ]

Joint Res.  
1, 2, 3 & 4,  
p. 107.

Messengers are not saluted by the members, but by the Speaker, for the House. [ 2 Grey, 253, 274. ]

If messengers commit an error in delivering their message, they may be admitted, or called in, to correct their message. [ 4 Grey, 41. ]

Accordingly, March 13, 1800, the Senate having made two amendments to a bill from the House of Representatives, their Secretary, by mistake, delivered one only; which being inadmissible by itself, that House disagreed, and notified the Senate of their disagreement. This produced a discovery of the mistake. The Secretary was sent to the other House to correct his mistake, the correction was received, and the two amendments acted on *de novo*.\*

Rule 46,  
Senate, p.  
135.

As soon as the messenger, who has brought bills from the other House, has retired, the Speaker holds the bills in his hand, and acquaints the House, 'that the other House have, by their messenger, sent certain bills,' and then reads their titles, and delivers them to the Clerk to be safely kept, till they shall be called for to be read. [ Hakew. 178. ]

It is not the usage for one House to inform the other, by what numbers a bill has passed. [ 10 Grey, 150. ] Yet they have sometimes recommended a bill, as of great importance, to the consideration of the House to which it is sent. [ 3 Hats. 25. ] Nor, when they have rejected a bill from the other House, do they give notice of it; but it passes, *sub silentio*,† to prevent unbecoming altercations. [ 1 Blackst. 183. ]

A question is never asked by the one House of the other, by way of message, but only at a conference; for this is an interrogatory, not a message. [ 3 Grey, 151, 181. ]

When a bill is sent by one House to the other, and is neglected, they may send a message to remind them of it. [ 3 Hats. 25. 5 Grey, 154. ] But if it be mere inattention, it is better to have it done informally, by communications between the Speakers, or members of the two Houses.

Where the subject of a message is of a nature that it can properly be communicated to both Houses of Parliament, it is expected that this communication should be made to both on the same day. But where a message was accompanied with an original declaration, signed by the party to which the message referred, its being sent to one House was not noticed by the other, because the declaration, being original, could not possibly be sent to both Houses at the same time. [ 2 Hats. 260, 261, 262. ]

The king, having sent original letters to the Commons, afterwards desires they may be returned, that he may communicate them to the lords. [ 1 Chandler, 303. ]

\* Anew.

† In silence.

## SECTION XLII.

### ASSENT.

THE House which has received a bill and passed it may present it for the king's assent, and ought to do it, though they have not by message notified to the other their passage of it. Yet the notifying by message is a form which ought to be observed between the two Houses, from motives of respect and good understanding. [2 Hats. 242.] Were the bill to be withheld from being presented to the king, it would be an infringement of the rules of parliament. [Ib.]

When the bill is enrolled, it is not to be written in paragraphs, but solidly, and all of a piece, that the blanks between the paragraphs may not give room for forgery. [9 Grey, 143.]

Const. U.  
S. Art. 1,  
Sec. 7, p.  
14.  
Joint Rs.  
6, 7, 8, 9  
& 10, pp.  
108 & 109.

## SECTION XLIII.

### JOURNALS.

If a question is interrupted by a vote to adjourn, or to proceed to the orders of the day, the original question is never printed in the journal, it never having been a vote, nor introductory to any vote; but when suppressed by the previous question, the first question must be stated, in order to introduce, and make intelligible the second [2 Hats. 83.]

So also when a question is postponed, adjourned, or laid on the table, the original question, though not yet a vote, must be expressed in the journals; because it makes part of the vote of postponement, adjourning or laying on the table.

Where amendments are made to a question, those amendments are not printed in the journals, separated from the question; but only the question as finally agreed to by the House. The rule of entering in the journals only what the House has agreed to, is founded in great prudence and good sense; as there may be many questions proposed which it may be improper to publish to the world in the form in which they are made. [2 Hats. 85.]

The first order for printing the votes of the House of Commons was Oct. 30, 1685. [1 Chandler, 387.]

Some judges have been of opinion that the journals of the House of Commons are no records, but only remembrances. But this is not law. [Hob. 110, 111. Lex. parl. 114, 115. Jourl. H. C. Mar. 17, 1592. Hale parl. 105.] For the lords in their House have power of judicature, the Commons in their House have power of judicature, and both Houses together have power of judicature; and the book of the Clerk of the House of Commons is a record, as is affirmed by act of parl. 6 H. 8. c. 16, 4 Inst. 23, 24, and every member of the House of Commons hath a judicial place. [4 Inst. 15.] As records they are open to every per-

Const. U.  
S. Art. 1,  
Sec. 5, p.  
12  
Re. 44, Ho.  
Rep. p. 79.

Res. 31  
& 32, Sen.  
p. 130.

Rule 6,  
Ho. Reps.  
page 68.

son, and a printed vote of either House is sufficient ground for the other to notice it. Either may appoint a Committee to inspect the journals of the other, and report what has been done by the other in any particular case. [ 2 Hats. 261. 3 Hats. 27—30. ] Every member has a right to see the journals, and to take and publish votes from them. Being a record every one may see and publish them. [ 6 Grey, 118, 119. ]

On information of a misentry or omission of an entry in the journal, a Committee may be appointed to examine and rectify it, and report it to the House. [ 2 Hats. 194, 5. ]

## SECTION XLIV.

### ADJOURNMENT.

Const. U.  
S. Art. 1,  
Sec. 5, p.  
13.  
Res. 48  
& 49, Ho.  
Reps. pp.  
80 & 82.

THE two Houses of Parliament have the sole, separate, and independent power of adjourning each their respective Houses. The king has no authority to adjourn them; he can only signify his desire, and it is in the wisdom and prudence of either House to comply with his requisition, or not, as they see fit. [ 2 Hats. 232. 1 Blackstone, 186. 5 Grey, 122. ]

A motion to adjourn simply cannot be amended as by adding 'to a particular day.' But must be put simply 'that this House do now adjourn?' and if carried in the affirmative, it is adjourned to the next sitting day, unless it has come to a previous resolution 'that at its rising it will adjourn to a particular day,' and then the House is adjourned to that day. [ 2 Hats. 82. ]

Where it is convenient that the business of the House be suspended for a short time, as for a conference presently to be held, &c., it adjourns during pleasure. [ 2 Hats. 305. ] Or for a quarter of an hour. [ 5 Grey, 331. ]

If a question be put for adjournment it is no adjournment till the Speaker pronounces it. [ 5 Grey, 137. ] And from courtesy and respect, no member leaves his place till the Speaker has passed on.

Rule 11,  
Sen. page  
126.

## SECTION XLV.

### A SESSION.

Const. U.  
S. Art. 11,  
Sec. 3, p.  
29.

PARLIAMENT have three modes of separation, to wit: by adjournment, by prorogation, or dissolution by the king, or by the efflux of the term for which they were elected. Prorogation or dissolution constitutes there what is called a session, provided some act has passed. In this case all matters depending before them are discontinued, and at their



Joint Re.  
20, p. 110.

next meeting are to be taken up *de novo*,\* if taken up at all. [1 Blackst. 186.] Adjournment, which is by themselves, is no more than a continuance of the session from one day to another, or for a fortnight, a month, &c., *ad libitum*.† All matters depending remain in statu quo,‡ and when they meet again, be the term ever so distant, are resumed without any fresh commencement, at the point at which they were left. [1 Lev. 165. Lex. Parl. c. 2. 1 Ro. Rep. 29. 4 Inst. 7, 27, 28. Hutt. 61. 1 Mod. 252. Ruffb. Fac's L. Dict. Parliament. 1 Blackst. 186.] Their whole session is considered in law but as one day, and has relation to the first day thereof. [Bro. abr. parliament. 86.]

Committees may be appointed to sit during a recess by adjournment, but not by prorogation. [5 Grey, 374. 9 Grey, 350. 1 Chandler, 50.] Neither House can continue any portion of itself in any parliamentary function, beyond the end of the session, without the consent of the other two branches. When done, it is by a bill constituting them commissioners for the particular purpose.

When it was said above, that all matters depending before parliament were discontinued by the determination of the session, it was not meant for judiciary cases, depending before the House of Lords, such as impeachments, appeals, and writs of error. These stand continued, of course, to the next session. [Raym. 120, 381. Ruffb. Fac. L. D. Parliament.]

## SECTION XLVI.

### TREATIES.

TREATIES are legislative acts. A treaty is a law of the land. It differs from other laws only as it must have the consent of a foreign nation, being but a contract with respect to that nation. In all countries, I believe, except England, treaties are made by the legislative power: and there also, if they touch the laws of the land, they must be approved by Parliament. [Ware v. Hylton, 3 Dallas rep. 273.] It is acknowledged, for instance, that the king of Great Britain cannot by a treaty make a citizen of an alien. [Vattel. B. 1. c. 19, sec. 214.] An act of parliament was necessary to validate the American treaty of 1783. And abundant examples of such acts can be cited. In the case of the treaty of Utrecht in 1712, the commercial articles required the concurrence of parliament. But a bill brought in for that purpose was rejected. France, the other contracting party, suffered these articles, in practice, to be not insisted on, and adhered to the rest of the treaty [4 Russel's Hist. Mod. Europe 457. 2 Smollet. 242, 246.]

Const. U.  
S. Art. 11,  
Sec. 2, p.  
28.Rs. 37 &  
38, Sen. p.  
133 & 134.

\* Anew.

† In their former condition.

‡ At pleasure.

## SECTION XLVII.

## IMPEACHMENT.

Const. U.  
S. Art. 111.  
Sec. 2, p.  
32.

Const. U.  
S. Art. 1,  
Sec. 2, p.  
8, and Art.  
1, Sec. 3, p.  
10. Also,  
Art 11. Sec.  
4, p. 30.

**JURISDICTION.** The lords cannot impeach any to themselves, nor join in the accusation, because they are the judges. [Seld. Judic. in parl. 12, 63.] Nor can they proceed against a commoner but on complaint of the Commons, [id. 84.] The lords may not, by the law, try a commoner for a capital offence, on the information of the king, or a private person; because the accused is entitled to a trial by his peers generally; but on accusation by the House of Commons, they may proceed against the delinquent, of whatsoever degree, and whatsoever be the nature of the offence; for there they do not assume to themselves trial at common law. The Commons are then instead of a jury, and the judgment is given on their demand, which is instead of a verdict. So the lord's do only judge, but not try the delinquent. [Id. 6, 7.] But Wooddeson denies that a commoner can now be charged capitally before the lords, even by the Commons; and cites Fitzharris's case, 1681, impeached of high treason, where the lords remitted the prosecution to the inferior court. [8 Grey's deb. 325—7, 2. Wooddeson, 601, 576. 3 Seld. 1610, 1619, 1641. 4 Blacks. 257. 3 Sed. 1604, 1618, 9, 1656.]

**Accusation.** The Commons, as the grand inquest of the nation, become suitors for penal justice. [2 Woodd. 597. 6 Grey, 356.] The general course is to pass a resolution containing a criminal charge against the supposed delinquent, and then to direct some member to impeach him by oral accusation, at the bar of the House of Lords, in the name of the Commons. The person signifies that the articles will be exhibited, and desires that the delinquent may be sequestered from his seat, or be committed, or that the peers will take order for his appearance. [Sachev. trial. 325. 2 Wood. 602, 605. Lords. Journ. 3 June, 1701. 1 Wms. 616. 6 Grey, 324.]

**Process.** If the party do not appear, proclamations are to be issued, giving him a day to appear. On their return they are strictly examined. If any error be found in them, a new proclamation issues giving a short day. If he appear not, his goods may be arrested, and they may proceed. [Seld. Jud. 98, 99.]

**Articles.** The accusation (articles) of the Commons is substituted in place of an indictment. Thus, by the usage of parliament, in impeachment for writing or speaking, the particular words need not be specified. [Sach. tr. 325. 2 Wood. 602—605. Lords. Journ. 3 June, 1701. 1 Wms. 616.]

**Appearance.** If he appears, and the case be capital, he answers in custody: though not if the accusation be general. He is not to be committed but on special accusations. If it be for a misdemeanor only, he answers a lord in his place, a commoner at the bar, and not in custody, unless, on the answer, the lords find cause to commit him, till he find sureties to attend, and lest he should fly. [Seld. Jud. 98, 99.] A copy of the articles is given him, and a day fixed for his answer. [T. Ray. 1 Rushw. 268. Fost. 232. 1 Clar. Hist. of the reb. 379.] On a misdemeanor, his appearance may be in person, or he may answer in writing, or by attorney. [Seld. Jud. 100.] The general rule on an

Const. U.  
S. Art. 1,  
Sec. 3, p.  
10.

accusation for a misdemeanor is, that in such a state of liberty or restraint as the party is when the Commons complain of him, in such he is to answer. [Id. 101.] If previously committed by the Commons, he answers as a prisoner. But this may be called in some sort *judicium parium suorum*.<sup>\*</sup> [Ib.] In misdemeanors the party has a right to counsel by the common law; but not in capital cases. [Seld. Jud. 102—5.]

**Answer.** The answer need not observe great strictness of form. He may plead guilty, as to part, and defend as to the residue; or, saving all exceptions, deny the whole, or give a particular answer to each article separately. [1 Rush. 274. 2 Rush 1374. 12 Part. hist. 442. 3 Lords. Journ. 13 Nov. 1643. 2 Wood. 607.] But he cannot plead a pardon in bar to the impeachment. [2 Wood. 615. 2 St. tr. 735.]

**Replication, Rejoinder, &c.** There may be a replication, rejoinder, &c. [Seld. Jud. 114. 8 Grey's deb. 233. Sacher. tr. 15. Journ. H. of Commons, 6 March, 1640, 1.]

**Witnesses.** The practice is, to swear the witnesses in open House, and then examine them there: or a Committee may be named, who shall examine them in Committee, either on interrogatories agreed on in the House, or such as the Committee in their discretion shall demand. [Seld. Jud. 120, 123.]

**Jury.** In the case of Alice Pierce, 1 R. 2, a jury was impanelled for her trial before a Committee. [Seld. Jud. 123.] But this was on a complaint, not on impeachment, by the Commons. [Seld. Jud. 163.] It must also have been for a misdemeanor only, as the lords spiritual sat in the case, which they do on misdemeanors, but not in capital cases. [Id. 148.] The judgment was a forfeiture of all her lands and goods. [Id. 188.] This, Shelden says, is the only jury he finds recorded in parliament for misdemeanors: but he makes no doubt, if the delinquent doth put himself on the trial of his country, a jury ought to be impanelled, and he adds that it is not so on impeachment by the Commons; for they are in *loco proprio*,<sup>†</sup> and there no jury ought to be impanelled. [Id. 124.] The Ld. Berkeley, 6 E. 3, was arraigned for the murder of L. 2, on an information on the part of the king, and not on impeachment of the Commons; for then they had been *patria sua*.<sup>‡</sup> He waived his peerage, and was tried by a jury of Gloucestershire and Warwickshire. [Id. 125.] In 1 H. 7, the Commons protest that they are not to be considered as parties to any judgment given, or hereafter to be given in parliament. [Id. 133.] They have been generally, and more justly considered, as is before stated, as the grand jury. For the conceit of Selden is certainly not accurate, that they are the *patria sua* of the accused, and that the lords do only judge, but not try. It is undeniable that they do try. For they examine witnesses as to the facts, and acquit or condemn, according to their own belief of them. And Lord Hale says, 'the peers are judges of law as well as of fact.' [2 Hale, P. C. 275.] Consequently of fact as well as of law.

**Presence of Commons.** The Commons are to be present at the examination of witnesses. [Seld. Jud. 124.] Indeed they are to attend throughout, either as a Committee of the whole House, or otherwise, at discretion, appoint managers to conduct the proofs. [Rushw. tr. of Straff, 37. Com. Journ. 4 Feb. 1709, 10. 2 Wood. 614.] And judg-

<sup>\*</sup> Judgment of his peers, or equals.

<sup>†</sup> In the right place.

<sup>‡</sup> The country.

Const. U.  
S. Art. 1,  
Sec. 3, p.  
10.

ment is not to be given till they demand it. [Seld. Jud. 124.] But they are not to be present on impeachment when the lords consider of the answer or proofs, and determine of their judgment. Their presence however is necessary at the answer and judgment in cases capital. [Id. 158, 159, as well as not capital, 162.] The lords debate the judgment among themselves. Then the vote is first taken on the question of guilty or not guilty: and if they convict, the question, or particular sentence, is out of that which seemeth to be most generally agreed on. [Seld. Jud. 167. 2 Wood. 612.]

Judgment. Judgments in parliament for death have been strictly guided per legem terræ,\* which they cannot alter: and not at all according to their discretion. They can neither omit any part of the legal judgment, nor add to it. Their sentence must be secundum, non ultra legem.† [Seld. Jud. 168—171.] This trial, though it varies in external ceremony, yet differs not in essentials from criminal prosecutions before inferior courts. The same rules of evidence, the same legal notions of crimes and punishments prevail. For impeachments are not framed to alter the law, but to carry it into more effectual execution against too powerful delinquents. The judgment therefore is to be such as is warranted by legal principles or precedents. [6 Sta. tr. 14. 2 Wood. 611.] The chancellor gives judgments in misdemeanors; the Lord High Steward formerly in cases of life and death. [Seld. Jud. 180.] But now the steward is deemed not necessary. [Fost. 144. 2 Wood. 613.] In misdemeanors the greatest corporal punishment hath been imprisonment. [Seld. Jud. 184.] The king's assent is necessary in capital judgments, (but 2 Wood. 614, contra) but not in misdemeanors. [Seld. Jud. 186.]

Continuance. An impeachment is not discontinued by the dissolution of parliament, but may be resumed by the new parliament. [T. Ray. 383. 4 Com. Journ. 23 Dec. 1790, Lords Jour. May 16, 1791. 2 Wood. 618.]

\* By the law of the land.

† According to, not against law.



FINIS.



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EXTRACT OF A LETTER FROM EX-GOVERNOR W. G. D. WORTHINGTON.

I HAVE examined "BURLEIGH'S LEGISLATIVE GUIDE," and find, as its name implies, that it is indispensable for every legislator who desires to establish a uniform system of rules for conducting public business throughout the United States. In my humble judgment, every State Legislature will immediately adopt it as their standard as soon as the merits of the work can be known.

W. G. D. WORTHINGTON.

I AM convinced that the "LEGISLATIVE GUIDE" will prove a valuable text-book for collegiate students, and will use it as such at St. Timothy's Hall, believing that every young American ought to be acquainted with the routine of order appropriate to legislative assemblies.

L. VAN BOHKELEN, *Rector*.

St. TIMOTHY'S HALL, Catonsville, Md., Feb. 26, 1852.

Ex. of Letter from Hon. J. C. Legrand, Ch. Justice Court of Appeals, Md.

BALTIMORE, Feb. 9, 1852.

THE plan of the Legislative Guide enables the student or legislator to discover, with facility, the rule and reason for it, in each particular instance, and must, therefore, be of great value to legislative and other deliberative bodies.

JNO. CARROLL LEGRAND.

At a meeting of the School Commissioners of Baltimore held Feb. 10, 1852, the following resolutions were UNANIMOUSLY adopted: *Resolved*, That the American Manual;—that the Thinker;—that the Practical Spelling Book by Joseph Bartlett Burleigh, LL. D., be introduced into the Public Schools of Baltimore.

J. W. TILYARD, *Clerk Com. Pub. Sch. Balto.*

At a meeting of the Controllers of Public Schools, First District of Pennsylvania, held at the Controllers' Chamber, on Tuesday, December 10th, 1850, the following resolution was adopted:—

*Resolved*, That the American Manual, by Joseph Bartlett Burleigh, be introduced as a class-book into the Grammar Schools of this District.

ROBERT J. HEMPHILL, *Sec.*

PHILADELPHIA, Nov. 13, 1851.

At a meeting of the Controllers of Public Schools, First District of Pennsylvania, held on Tuesday, Nov. 11th, 1851, the following resolution was adopted:

*Resolved*, That the "Thinker," by Joseph Bartlett Burleigh, be introduced as a class-book into the Public Schools of this District.

ROBERT J. HEMPHILL, *Sec.*

# THE CITIZENS' MANUAL,

CONTAINING

A FORM FOR ORGANIZING

LITERARY AND DEBATING SOCIETIES.

A CONCISE SYSTEM OF UNIFORM RULES OF ORDER, FOUNDED ON THE REGULATIONS FOR CONDUCTING BUSINESS IN THE

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DESIGNED

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AND LEGISLATIVE ASSEMBLIES.

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# EXTRACTS FROM THE OPINIONS OF EMINENT MEN.

The Legislative Guide deserves to be called the politician's and legislator's vade mecum.—*Editor of Boston Evening Traveller.*

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Altogether it is the most complete and satisfactory book on the varied but kindred subjects on which it treats, that has issued from the American press.—*Editor of Baltimore Patriot.*

The Legislative Guide is the most complete compendium of information upon the subject that has ever been published.—*Editor of Philadelphia City Item.*

From the Hon. George M. Dallas, late President of the U. S. Senate.—I have read with very great satisfaction the Legislative Guide. It is admirably adapted for popular use, and cannot fail, in a country like ours, which is crowded in all its parts with deliberative bodies, either prescribed by law, or suddenly and spontaneously convening, to be a most convenient Guide for the orderly transaction of public business. It merits, and I hope will receive, extensive diffusion and adoption.

From Millard Fillmore, President of the United States.—It will prove a valuable book for reference, not only to public men, but to all who may be called upon to take part in deliberative assemblies.—Washington, May 17th, 1852.

From the Hon. Eli K. Price.—I think the Legislative Guide a book that cannot be too generally diffused.

The Legislative Guide ought to accompany the Bible and the Almanac, and be owned by every family throughout the land.—*Editor of Richmond (Va.) Whig.*

The Legislative Guide contains, in one volume, a mass of information which could not heretofore be obtained without referring and re-referring to many volumes. The precision, perspicuity and accuracy of the Guide, must soon make it a standard for all deliberative and legislative bodies.—*Editor of Richmond (Va.) Enquirer.*

This book contains in one volume a mass of information which could not before be obtained without examining many volumes. It contains the best edition of Jefferson's Manual ever published; the English authority is compactly arranged by itself; the foreign phrases translated, and reference made on each page to the portion from which rules have been deduced by Congress. It also contains a form for organizing literary and debating societies, outlines for young debaters, and much other original matter, not to be found in any other work. No library should be without the Legislative Guide, or, as we would call it, the freeman's vade mecum.—*Editor of Baltimore Republican.*

All the rules are arranged in a practical manner and a perspicuous style.—*Editor of Balt. Sun.*

We, the undersigned, teachers in the Public Schools of Pittsburg, have used Burleigh's American Manual with great satisfaction and delight. The plan of the work is in all respects judicious. The marginal exercises are a novel and original feature, and are arranged with great accuracy and discrimination. Their use not only excites the liveliest interest among the pupils, but produces great, salutary, and lasting effects, in arousing the mental powers, and leading the scholars constantly to investigate, reason, and judge for themselves. The Manual is elegantly written, and must have the effect to give a taste to what is pure and lofty in the English language.

Signed by B. M. KERR, J. WHITTIER, and twenty-three other principals of Public Schools in Pennsylvania.

From the Fredericksburg, Va., Herald. The American Manual possesses a kind of railroad facility in arousing the minds of youth; no one who is entrusted with the education of the rising generation should be ignorant of its contents, or a stranger to its thorough and efficient mode of imparting knowledge. It contains a condensed, lucid, exact, and comprehensive view of our social and political institutions, and ought to be in every family.

From Hon. Wm. Roberts, President of the Bd. Pub. Sch. Com. of Princess Ann Co., Virginia.—I consider the American Manual the best book for training the young mind, in the earlier stages of its education, I have ever seen.

Extract of a Letter from Alexander Campbell, D. D., LL. D., President of Bethany College, Virginia.—The American Manual is an admirable text-book for teacher and pupil, on the various important subjects so essential to the American scholar and statesman.

Extract of a Letter from Hon. B. Everett Smith.—I doubt whether the ingenuity of man can ever devise a work better adapted to the purpose avowed by the author. I arose from the perusal of the American Manual, more deeply impressed than ever with my responsibility as a citizen, and with the absolute necessity of fostering sound virtue and political morality.

Extract of a Letter from Hon. L. G. Edwards, President of the Board of Public School Commissioners for Norfolk County, Virginia.—I consider the American Manual a desideratum which had not before been supplied, and respectfully recommend that it be used generally in every District School in this county.

At a meeting of the Controllers of Public Schools, First District of Pennsylvania, held on Tuesday, Nov. 11th, 1851, the following resolution was adopted:—Resolved, That the "Thinker," by Joseph Bartlett Burleigh, be introduced as a class-book into the Public Schools of this District.

ROBERT J. HEMPHILL, Sec.

At a meeting of the Board of School Commissioners for the city of Baltimore, held on Tuesday, 10th February, 1852, the following resolution was unanimously adopted:—Resolved, That the "Thinker," by Joseph Bartlett Burleigh, LL. D., be introduced as a class-book into the Public Schools of Baltimore.

J. W. TILYARD, Clerk Com of Pub. Schools, Baltimore.



## P R E F A C E .

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THE right way of conducting the business of any meeting or society, by applying the proper rules, is exceedingly simple and easy to understand.

All rules of order, from the humblest juvenile association to the highest legislative assembly, should have for their basis the same system, wisely arranged in order to secure accuracy in business, economy of time, method, consistency, and equity.

The Legislative proceedings of a monarchy frequently have a tendency to exalt the few, by depressing the many. As the laws enacted by Parliament are not the most congenial to the best interests of a Republic, so neither is the voluminous and complicated system of rules, which best subserve the interests of a kingly legislature, the most suitable for an assembly of freemen, where all have equal rights and equal claims.

The design of this work is to establish a uniform standard of rules, deduced from the regulations of the most exalted deliberative body of the world, for the management of public meetings, of every kind, throughout the Union.

[§] The rules of Congress, like all other human productions, are not perfect, but they have been gradually formed, with the utmost care, to suit the genius of our republican institutions. Some of the most learned and patriotic of the present and the past age have, for a series of years, practically tested the working of each rule through every phase of legislation. Hence if any forms can command universal respect and confidence it must be those for conducting business in the Congress of the United States.

[§] The American people are pre-eminently remarkable for associations and societies of every description, the object of which is to promote improvement in our social relations, in benevolence, in government, in literature, and in piety. Nothing contributes so much to the respectability, dignity, and usefulness of these various convocations, as a regular, uniform, orderly, and methodical mode of conducting business.

A general knowledge of proper legislative rules always tends to economize time, secure the dispatch of business, and harmonize all the proceedings. Nothing is hazarded in the assertion, that for the want of the timely enforcement of correct uniform rules of order hatred has been engendered, philanthropic movements defeated, and the welfare of the majority sacrificed to aggrandize the few.

“Knowledge is power”—hence the necessity for its general diffusion. The nature of our unequalled social and political institutions presupposes that every citizen takes a part in deliberative meetings of some kind. Whether it be in the school boy’s debating club or the collegian’s society, the poor man’s beneficial association or the banker’s corporation, the small meeting at the rustic school-house, or the vast assemblage at the national capitol, a mite society or the highest ecclesiastical convention, the knowledge of a correct uniform mode of conducting business contributes, in the highest degree, to success.

[§] The rules here laid down may, by the marginal references, be traced to those of Congress, or to the Constitution of the United States.

[§] To restore confidence when doubt prevails, to bestow system when anarchy rules, to give uniformity and accuracy in doing every kind of public business by assembled citizens, to economize time and promote the dignity of legislation in every part of our confederacy, is the object of the Citizens’ Manual.

[§] As its name purports, it is designed for the use of every citizen, and should be owned and read by every one who feels an interest in sustaining the dignity of our social compact, in disseminating the blessings of liberty in other countries, and in transmitting the inestimable privileges of a Republican Government to future generations.

## INTRODUCTION.

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IN the United States all power is vested in the hands of the people. Every citizen exerts a primary influence that either tends to destroy or perpetuate our social and political institutions. It is universally conceded that general intelligence and sound morality are indispensable safeguards, without which every Republic must be ruined. Europe sends to our shores, on an average, more than a thousand inhabitants for each and every day in every year.

[§] A large majority, of this down trodden population, have arrived at years of maturity without any correct knowledge of a Republican government. Being neither able to read nor write, they seem to have no other idea of liberty than that of unrestrained licentiousness.

[§] Hence they plunge into all manner of vice and dissipation, and hence the poor houses and prisons of all our atlantic cities are filled, with more than two to one, of this class. Ragged and dissipated, having none to enlighten them, they soon grow more callous, and become the sappers instead of the supporters of our glorious institutions.

[§] The quickest, the most effective way to

promote a universal love for knowledge and pure morality, is by enlisting all the people into social meetings for mental and moral culture, by forming various debating, beneficial, literary, and religious societies, each of which, in its proper sphere, tends to engender a spirit of inquiry and a desire for rational pursuits.

[§] Social elevation should occupy the leisure of the whole community, and thereby impart a relish for useful vocations and the true enjoyments of life.

[§] The bitter fruits of monarchy, sent us in the shape of adult pauper population, must be sweetened and rendered serviceable by societies for general improvement, or they will endanger the very existence of our social fabric.

[§] Let a proper literary spirit pervade the land, and on all haunts of dissipation, jails, and prisons, may be written, "To let."

[§] The human mind must have employment. The minister, the lawyer, the physician, the school-master, the merchant, the mechanic, the farmer, and the best educated, should either take the lead or an active part in forming and sustaining debating, literary, and other ennobling societies.

[§] By this means the minds of all may be aroused to the paramount importance of mental culture and rational improvement. Vast multitudes may thus be saved who otherwise would annually become the new supporters of the haunts



of iniquity, and in rotation ruin their health, blast their character, and sink into premature and ignoble graves.

[§] But the real benefits of debating and other societies are not confined to the illiterate alone, for the rich harvest is enjoyed by all.

[§] To say nothing of the literati of the old world whose writings and whose deeds are as imperishable as the history of civilization, there have been multitudes of eminent men in the United States, who, but for the literary society, might have lived useless lives and, unhonored, died in obscurity.

[§] Clay commenced his career at a village society, and Franklin formed a debating club of two associates.

[§] As the sculptor turns the roughest marble into speaking beauty, and as the lapidary transforms the most insignificant pebble into the brilliant diamond, so does the literary society disclose the inherent beauties and powers of the mind, by bringing to the service of man and to the glory of God genius and talent that otherwise might have existed only to breed wickedness and misery.

[§] To forward the vital object of mental illumination and moral culture, a brief form has been given in this Manual for establishing societies for social and general improvement. This form is so simple and easy to be understood, that all who read intelligibly can comprehend it.

[§] An outline has also been added for conducting discussions and preparing lectures, and it

is to be hoped that every intelligent citizen will take a deep and an abiding interest in promoting societies for the general diffusion of knowledge.

[§] It is believed that any person of common intelligence, by studying this book, may make himself not only competent to take part in any society, but also to preside over its deliberations, and determine questions of order with ease and accuracy.

[§] No one can reasonably bring forward the plea that it is not necessary for him to understand legislative rules, from the fact that he never intends to preside at any meeting, for those who are ignorant of these forms yield much power into the hands of those who know them.

[§] An adroit presiding officer often has it in his power to control the action of vast assemblies, who are ignorant of the right rules for conducting public business.

[§] Hence, to guard against official encroachment, as well as against the combination of a few well informed members, it becomes the duty of all to know the proper way of proceeding in deliberative assemblies.

#### DIRECTIONS FOR FORMING SOCIETIES.

[§] If you wish the advantages of a Literary Society, in your village or town, either for your own or other's benefit, call on your neighbours, propose the subject, state the objects of such a society, and obtain as many as you can to co-

operate with you in this noble work. Get a few of the most influential citizens to call a meeting to organize a society—either state to the audience the importance of such an institution, or prevail on a clergyman, or some other influential individual, to do it. Secure a committee to draft a constitution, or have one already prepared.

[§] Be not discouraged, if but few attend the meeting or co-operate with you. “The most efficient literary society of the world had its origin with two individuals, who by accident met at a hotel in London, and in conversation on the deplorable ignorance of the great mass of the people, one proposed to the other the formation of a society that would have a direct influence in the diffusion of useful knowledge, to which the other heartily assented.

[§] They made arrangements, and advertised a meeting for the purpose of organizing a society, but no one attended with them; one appointed the other president, and he in turn his associate secretary—they discussed and passed resolutions, which were published in the papers, with the statement that they were passed at a respectable meeting called for the purpose of forming a society for the diffusion of useful knowledge, and that another meeting would be held at such a time, which was attended by a large audience of the wealthy and influential, not only of London, but from many parts of the British empire; and since then the society has, with constantly increasing

energy, been scattering light, knowledge, and innumerable blessings over the civilized world.”\*

#### PRELIMINARY OBSERVATIONS.

Prayer.

§ 1. Both Houses of Congress precede the business of each day with Prayer.† This righteous example was set by the founders of our Government, and is commended to all deliberative bodies and associations of whatever name or character; for no undertaking can ever attain permanent usefulness without the approval and the blessing of the Most High.

Re. 1, Ho.  
Reps. page  
67. Meeting  
opened.

Const. U.  
S. Art. 1.  
Sec. 5, p. 12.

§ 2. Every meeting should be opened precisely at the time appointed. The presiding officer on taking the CHAIR should at once call the meeting to order.‡ His first duty is to ascertain if a quorum be present. This he may do, by either counting, or requiring the secretary to call over, the names of those assembled.

#### MANNER OF ORGANIZING.

Quorum.

§ 1. No business can be legally transacted without a quorum. Hence the president should not continue

\* Wright's Casket.

† Each House elects its own chaplain at the beginning of every session. The chaplains usually belong to different denominations, and alternate with each other i. e., A officiates in the Senate and B in the House of Representatives on Monday; but on Tuesday B conducts the religious exercises of the Senate, and A those of the House of Representatives.

‡ In case the members are engaged in conversation, &c., this is done by rapping on the desk or table, and saying the meeting will please come to order.



to occupy his seat unless that number be present. When, any time after the meeting is opened, a member suspects that a quorum is wanting, he may call for the body to be counted. A deficiency being found business should, at once, be suspended.

§ 2. Should there not be a quorum it is usual to wait half an hour and then adjourn, provided a legal number, for transacting business, cannot be convened. The adjournment when there is less than a quorum must, of course, be to the next regular time for assembling; but a special meeting may be called whenever occasion requires.

§ 3. When the clerk\* calls the roll each member should rise as his name is called and answer. Absentees should be noted, and their names called a second time, when excuses may be heard.

§ 4. The members rise that they may be recognized; this rule, however, need not be enforced in small bodies, nor in large ones where the members are presumed to be well acquainted.

§ 5. The main object is to facilitate acquaintanceship at anniversaries, conferences, and conventions, where various sections of the Union are represented.

§ 6. No member of a legislative body should absent himself from its meetings without leave.†

\* Or secretary, as the case may be.

† When any member wishes to be absent for a few days he should rise and say, Mr. President I ask leave of absence for — days from to-day. Or in case a member happens to be unexpectedly detained from the assembly, he may obtain leave of absence through the agency of any other member.

Re. 65 Ho. Reps. p. 85, and Re. 126, p. 101.

Roll call. Re. 62, 63 Ho. Reps. p. 85. See Jeff. Man. p. 151, this book.

Custom of Congress.

Re. 66 Ho. Reps. p. 85.

Re. 8, Sen.  
p. 126.

A less number than a quorum may send for any or all the absent members. This rule applies to the first and every subsequent meeting.

#### THE PRESIDING OFFICER.\*

Mode Elec-  
ting Speak'r  
House Reps.  
U. S.

§ 1. The speaker† of the House of Representatives of the United States is usually elected in the following way: On the day appointed for the meeting of Congress, the representatives assemble in their hall at 12 M. The clerk of the last House opens the session by calling the names of the members by states and territories.

Con. U. S.  
Art. 1, Sec.  
5, page 12.

§ 2. A quorum being present, the clerk names, with the permission of the House, two or more members to act as tellers, making the selection

Tellers.

\* The presiding officer of the Upper House of Legislatures, of Literary Societies, of Bank Directors, of Colleges, and of Rail-Road Companies, and in fact all other corporations, is usually styled the PRESIDENT; of a Religious Convention, or a town meeting, a MODERATOR; of the Lower House of Legislatures, a SPEAKER; of a called meeting or of a Committee, CHAIRMAN; of a Medical Faculty, DEAN. By giving the following form for electing Presiding officers, it is not proposed to change their *title* in any way, but only to secure uniformity in electing them by ballot, throughout the country. It should also be understood that the rule laid down above has reference solely to presiding officers who are elective, and does not apply to corporations and societies which provide for a chairman without election; in some associations, and especially in ecclesiastical conventions, provision is made that the senior member shall be the President, i. e. the one who has been longest a member of the association; not the one who has attained the greatest age, unless he also happens to be the oldest member. The Rules, however, which follow should be binding, alike, on all Presiding officers. They are based on those of Congress, and unless they are, in the main, complied with, all hope of uniformity and regularity in conducting Legislative business throughout the Union must be abandoned.

† For President of the Senate see Art. I. Sec. 3, page 9 Const. U. S.

from each of the prominent political parties. Then the members present proceed to elect, by ballot, their Speaker.

§ 3. It is the duty of the tellers to announce distinctly the names of each of the members receiving votes, so that all may count the ballots for the several candidates, and thereby the better guard against any oversight or error.

§ 4. The Speaker\* is required to have a majority of all the votes given, and is seldom elected on the first balloting, unless the dominant party has previously held a caucus,† and even then the nominated candidate is liable to be defeated by the running of other members,‡ or by the coalition of minorities.

Speaker.  
Majority.

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\* In case of a removal, death, resignation, or inability both of the President and Vice-President of the United States, the President of the Senate pro tempore, and, in case there shall be no President of the Senate, then the SPEAKER OF THE HOUSE OF REPRESENTATIVES, for the time being, shall act as President of the United States until the disability be removed or a President shall be elected. Act of Congress, March 1st, 1792. See also Art. II. Const. U. S., Sec. 1. The Speaker receives sixteen dollars per day, appoints all committees not elected by ballot; he has power to call any member to the chair, and many other minor prerogatives which enable him to hold a commanding position and gain the courtesy of his associates. The Speaker of the House of Commons receives a salary and other perquisites equivalent to about forty thousand dollars per year.

† A meeting to agree on a party candidate.

‡ The XXXI. Congress convened on Monday the 3d day of Dec. 1849. The members proceeded at once to vote for their Speaker. After sixty-two ineffectual ballotings, the Rule requiring the Speaker to receive a majority of all the votes polled was suspended and a plurality only required. The Hon. Howell Cobb was elected Speaker on the sixty-third trial, Dec. 23d, 1849. The whole number of votes polled was 222, and distributed among ten members in the following order: for Howell Cobb, 102; R. C. Winthrop, 100; David Wilmot, 8; C. S. Morehead, 4;

Speaker  
elected, Ho.  
Reps. U. S.

§ 5. When a member has received a majority of all the votes given, or in case the rule is suspended, a plurality, the clerk proclaims him **SPEAKER**. Then he is customarily conducted to his seat by two of the most venerable members, takes the oath of office\* and delivers a brief inaugural address. The remaining members are then qualified, and the clerk, sergeant-at-arms, door-keeper, and other officers elected.

Const. U.  
S., Art. 6,  
Sec. 1, p. 38.

Officers  
elected.

Congress  
organized.

§ 6. When the House is duly organized a message is sent to the Senate announcing the same. The first business of each house is usually to appoint a joint committee to wait on the President of the U. S. and inform him that Congress is ready to receive any communication he may be pleased to make.

FORM OF ORGANIZATION IN A STATE LEGISLATURE.†

By the House of Representatives, }  
Jan. —, 185—. }

*Gentlemen of the Senate :*

The House of Representatives is ready to proceed with the business of the session. We have chosen ——— Speaker, and ——— Clerk.

By order,

———, Clerk.

Wm. Strong, 3; A. H. Stephens, 1; Wm. F. Colcock, 1; Chas. Durkee, 1; E. D. Potter, 1; Linn Boyd, 1.

\* By an act of Congress, June 1, 1798, the oath of office may be administered by any member of the House of Representatives to the **SPEAKER** who, after taking the oath, is required to administer the prescribed oaths to all the other members who have not taken them, and the rest of the officers of the House.

† A state legislature should be organized on the plan of Congress given in the preceding pages.



By the House of Representatives, }  
*Jan. — 185—.* }

*Gentlemen of the Senate :*

We propose, with your concurrence, to appoint a joint committee of the two Houses to wait upon his Excellency the Governor, and inform him that the legislature is organized for the dispatch of public business, and ready to receive any communication he may think proper to make. Messrs. — are appointed on the part of this House.

By order,

J. N., Clerk.

By the Senate, }  
*Jan. —, 185—.* }

*Gentlemen of the House of Representatives :*

The Senate has organized and elected the Hon. — —, President, and — —, Secretary. We are prepared to proceed with the business of the session, and propose to sit from 10 o'clock, A. M. until — o'clock, P. M.

By order,

C. B., Secretary.

By the Senate, }  
*Jan. —, 185—.* }

The Senate has appointed Messrs.—, a committee to join the committee you have appointed\* to inform his Excellency the Governor, of the organi-

\* Or the Senate may organize first, and use the preceding form of the House of Representatives.

zation of the legislature, and that we are ready to receive any communication he may desire to make.

By order,

C. B., Secretary.

Re. 22 Ho.  
Reps. p. 72.

The Clerk\* of the House of Representatives should, within the first week of a session, place in the hands of the Speaker, a correct list of the bills, resolutions, reports, and other unfinished business of the House, referred from the preceding to the succeeding session.

#### FORM OF MESSAGES.

*Gentlemen of the Senate :*

We respectfully request your Hon. Body to return to this House the bill entitled an act to —.

*Gentlemen of the House of Representatives :*

We hereby return to your Hon. Body, a bill entitled an act —

#### FORM PRECEDING A BILL.

*First Form.*

The people of the State of —, represented in House of Representatives and Senate, do enact as follows:—

*Second Form.*

Be it enacted by the Legislature of —, that,  
&c.

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\* This rule also applies to the Senate and should be observed by the Secretary thereof.

By the House of Representatives, }  
*Jan. —, 185—.* }

*Gentlemen of the Senate :*

We propose, with the concurrence of your Honorable Body, to proceed, on — inst., at 12, M., to the election of a United States Senator to supply the place of the Hon. — —, whose time will expire on the 4th of March, 185—. We have nominated, on the part of this House, the Hon. — —, and the Hon. — —, and appointed Hon. — —, Teller, to join such gentleman as may be named by your Honorable Body, to count the ballots and report the result.

By order, J. G., Clerk.

By the Senate, }  
*Jan. —, 185—.* }

*Gentlemen of the House of Representatives :*

We have received your message, proposing to go into an election of United States Senator, on — inst., and concur therein. We nominate the following persons: the Hon. — — and the Hon. — —.

We have appointed the Hon. — — as Teller, to join the gentleman named by your Honorable Body, to count the ballots and report the result.

By order, Wm. B., Sec'y.

§ 1. Whenever any legislature is apprised of a vacancy in the representation of its State in the Senate of the United States, notice may be given for the members of each House to meet in the Hall of Representatives at a certain hour, usually 12 M., for the purpose of electing, on joint ballot, a

Const. U.  
 S., Sec. 3., p.  
 8, and Sec.  
 4, p. 11.

Senator, or Senators, as the case may be, to represent the State in the Senate of the United States.

§ 2. Previous to the day of meeting, each House should appoint a teller, and nominate the candidates it prefers, and communicate to the other the names of the persons nominated.\* At the hour of meeting, the President of the State Senate, and in his absence, the Speaker of the House, should preside.

§ 3. A candidate must have a majority of all the votes cast to be elected, hence it sometimes occurs that days elapse before any election is effected.† Whenever any person receives a majority of all the votes cast, the presiding officer declares him elected to represent the State in the Senate of the United States, and announces the time for which he should serve.

§ 4. After the election it is usual for the presiding officer, in the presence of both Houses, to sign three certificates of election, attested by the tellers, one of which should be forwarded to the person elected, one to the President of the Senate of the U. S., and the other should be preserved among the archives of the court of the county in which the legislature sits, in addition to which the proceedings should be entered in full on the journals of both Houses.

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\* The way of communication is usually by message.



## MANNER OF ENACTING LAWS.\*

§ 1. Bills for raising money should originate in the House of Representatives; but those of every other kind may originate in either House. Bills, after being passed by one branch, may be rejected in the other by a majority of the votes present.

Const. U.  
S., Sec. 7, p.  
14.

§ 2. When a bill may be vetoed by a Governor, it should become a law, if by being reconsidered, it is passed by two-thirds of the votes in both Houses.

Const. U.  
S., p. 15.

§ 3. Every bill, before it becomes a law, should be examined by a joint committee,† who should carefully compare the enrolled with the engrossed bill, and see that the name of the House in which it originated is written on its back.

Joint Rls.  
7, 8, and 9,  
p. 108.

§ 4. It should also be examined and signed by both the Speaker of the House and the President of the Senate.‡ After which the committee should present it to the Executive for his signature.

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\* See Bills 99, 100, and 101st page, and 161st to the 168th page. Also the 178th and 179th page. A Bill is a form or draft of a law presented to a legislature, but not enacted. Laws are frequently originated by petitions, the usual form of which is as follows :

*To the Legislature of —*

To the Honorable the Senate and House of Representatives of the State of — in General Assembly convened: The petition of the subscribers, citizens of — county, respectfully sheweth. [Here state the subject.] And your petitioners, as in duty bound, will ever pray, &c.

† Usually two members from each House.

‡ And attested by the Secretary and Clerk.

## NECESSITY OF METHOD.

§ 1. In associations of every kind, as well as in all legislative bodies, order, regularity, and form, are indispensable to the attainment of the greatest benefit, with the least expenditure.

§ 2. Every society and assembly should have prescribed land-marks, founded on reason and sanctioned by experience, in order to secure universal confidence, and effectually guard the rights of all.

Object as-  
semblies.

§ 3. The object of meetings of every grade, should be to obtain a clear, full, and proper expression of opinion from all present. Hence, permanent and proper rules of order and constitutions should always form the bond of union and protection.\*

§ 4. In this way can the wishes and the interest of the majority be best carried out, and at the same time the rights of the minority shielded from the abuses and excesses so apt to be exercised by the party in power.

§ 5. No printed form of a constitution for an association can be given, which, under every circumstance, will precisely suit its wants, without addition or restriction.

§ 6. But it is believed that the following outline, with slight additions, or alterations, will meet the general wants of all literary and debating societies.

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\* In societies, and temporary or called meetings of every kind, the rights and privileges of all may be inviolably guarded by the uniform system of rules laid down in this book.

## A FORM FOR ESTABLISHING LITERARY SOCIETIES.

## CONSTITUTION.

## PREAMBLE.

WE, the undersigned, do hereby adopt and agree to obey the following CONSTITUTION and the several BY-LAWS that may be enacted in accordance with its provisions.

## ARTICLE I.

*Name and Object.*

[Here insert the name of the society; the object it is intended to accomplish; the means to be used; and the way in which its benefits will be realized.]

## ARTICLE II.

§ 1. The members of the —— society shall be active, corresponding, and honorary.

§ 2. Any person of good moral character may become an active member by signing the constitution and paying an admission fee of —— cents.

§ 3. Persons of other towns may be elected corresponding members, by a vote of two-thirds of the members present.

§ 4. Honorary members shall be admitted by a like vote of two-thirds.

§ 5. All members may participate in the discussions, but the privilege of voting and of eligibility to office, shall be confined to active members.

§ 6. A monthly contribution of — cts. shall be paid by each active member.

§ 7. Members who may pay — dollars, shall be entitled to *life-membership*, and exempted from all future contributions and assessments. Honorary members shall be free from assessments of every kind whatever.

§ 8. For immoral and disreputable conduct, a member may be impeached and expelled from the society by a vote of two-thirds of the members present, after affording every reasonable facility for a fair and impartial trial. If he be an officer, the society shall proceed to fill his place by ballot.

#### ARTICLE III.

##### *Officers.*

The officers of the society shall be a President, Vice President, a Recording Secretary, a Corresponding Secretary, a Treasurer, a Librarian, a Committee on questions for debate, a Committee on lectures, a Committee on the library, and an Executive Committee. The officers of the society shall be elected on — — in —, by a majority of the ballots of all the members present.

#### ARTICLE IV.

Stated meetings of the society shall be held at the — on — throughout the year, except the months of — and an anniversary meeting shall be held at — on the — of —.



## ARTICLE V.

*By-Laws.*

By-Laws to the Constitution shall be proposed at one stated meeting of the society, and acted on at another. Any motion to amend or repeal a by-law must lie over, at least one stated meeting, before it is acted on.

## ARTICLE VI.

*Amendments of the Constitution.*

Any motion to amend or repeal this Constitution shall not be acted on before the second stated meeting after such motion has been proposed, and then shall not take effect unless by consent of two-thirds of the members present; but any rule may be suspended, for the time being, by vote of two-thirds of the members in attendance.

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## B Y - L A W S .

§ 1. *Quorum*.—A majority of the society shall constitute a quorum for the transaction of business; but a smaller number may organize and adjourn to the next stated meeting.

§ 2. *Vacancies*.—Vacancies in any office shall be filled in the way prescribed by the Constitution, at the next stated meeting after the official announcement of the same.

§ 3. *Lectures and Debates.*—The Committee on Lectures shall appoint some member to read at ——— stated meeting an original lecture or essay; the Committee on Debates shall select some subject for discussion, and provide a person to open the debate, after which the subject shall be open for general discussion by the members. They shall also extend invitations to persons engaged in literary or scientific pursuits, to present any paper or essay which they may deem of interest or importance to the society.

§ 4. *Library.*—Active members shall be entitled to take books from the Library; but no book shall be kept by any one longer than ——— weeks without renewal, nor shall it be renewed when another person desires it. Members who retain books beyond the time above limited, shall pay a fine of ——— cents, for every week a volume is retained. Those who lose or injure books, shall pay for the same.

§ 5. *Donations, &c.*—It shall be the duty of the Executive Committee to make exertions to obtain donations of books, minerals, botanical and geological specimens, &c., for the society; to examine from time to time the books of the officers, and to submit to the members annually on the first regular meeting in January, a detailed written statement of the affairs and condition of the society.

§ 6. *Arrears.*—Any member whose ——— payment shall be in arrear for ——— months, shall forfeit

his membership, and his name shall be stricken from the roll.

§ 7. *Anniversary Meeting*.—It shall be the duty of the Executive Committee to take measures likely to secure a general attendance at the anniversary meeting, to make arrangements for suitable lectures, to provide for public debates, and to furnish such other literary entertainments as will arouse the minds of the community to the importance of the general diffusion of knowledge and sound morality.

§ 8. *Special Meetings*.—Special meetings may at any time be called by the President, or by any two members.

§ 9. At each stated meeting there shall be a subject for discussion selected for the next meeting, and reported by the Committee on Debates.

§ 10. The exercises of the stated meetings of this society shall be public.

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## RULES OF ORDER.

§ 1. *Order of Business*.—The order of business at the meetings of the society, shall be as follows, viz :

1. The roll called.
2. Minutes of previous meeting read and, in case of mistakes, corrected.

3. Reports of Committees read and acted on.
4. Motions, resolutions and other unfinished business of preceding meetings acted on.
5. New resolutions offered.
6. Miscellaneous business.
7. Reading of lecture, essay, or other paper.
8. Debate.

§ 2. *Sectarianism or Politics*.—No subject of a direct sectarian or political nature shall be introduced before the society.

§ 3. *On Speaking*.—No member shall speak more than —, nor longer than — minutes upon the same subject, unless by permission of the Society; nor shall any member be interrupted while speaking unless for explanation, or when his remarks are foreign to the subject under debate.

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#### CALLED MEETINGS.

§ 1. IN the formation of societies, as well as the calling of the various kinds of conventions, and in Town, District and all other public meetings, notice\* should be given in the way which will best acquaint all interested of the intended convocation. Every call should set forth the object of the proposed meeting with precision and clearness, and should be signed by its originators.

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\* The most usual way of doing this is either by publication in the most extensively circulated newspapers, or by posting up in the most frequented places written or printed notices.



§ 2. At the time named for the meeting to assemble, if a sufficient number, to transact business, be present, the one whose name appears first on the call should proceed to organize\* in the following way: he should go to the secretary's desk,† and with a few raps secure the attention of those present, and then say, "Gentlemen the hour appointed for opening the meeting has arrived, I nominate A. B. for chairman.‡ Those in favor of this nomination will say *yea*." After a momentary pause the contrary *nay*.

See Re. 1,  
Ho. Rep. p.  
67.

§ 3. If the *yeas* appear to be in the majority, he declares A—— B—— chairman of the meeting. If the *nays* preponderate, he ought to ask the members present to nominate, and continue to put the question till some one is duly elected. He then declares A. B. or C. D., as the case may be, chairman of the meeting.

Const. U.  
S., Art. 1,  
Sec. 5, p. 12.

§ 4. The chairman should, at once, advance to his position,§ and say, "Gentlemen who shall act as secretary, please to nominate;" perhaps there will be several nominations.

§ 5. He then says the name of E. F. was first heard. Gentlemen in favor of E. F. acting as secretary will say *yea*—contrary *nay*. Or in case only one name is proposed. He says, "Gentlemen,

\* In case he is absent, the one whose name is next in order, and so on.

† Should it be in a private room it will be sufficient simply to rise and make the announcement.

‡ Or Speaker, Moderator, or President, as the case may be.

§ In called meetings it is not necessary for the presiding officer to occupy any time in returning thanks, &c., for the honor conferred.

you have heard the nomination just made, shall G. H. act as secretary," &c. In the same way may be chosen any other officers it is deemed best to appoint.

Proceedings  
in organiz-  
ing the Na-  
tional Con-  
vention of  
Education.

§ 6. When a convention is assembled from various counties or states, it may be best for its originator to say, "I propose that we organize temporarily, for the purpose of electing officers and effecting a permanent organization. In which case the chairman and secretary should be appointed pro tempore, in the way above indicated.

§ 7. Then the selection of persons the best qualified to fill the various offices may be referred to a committee who should, at once, retire to a private room, canvass the merits of the different candidates, and report with all possible dispatch, their nominations for the action of the assembly.

§ 8. Or several nominations may be made by the members from the various districts, and the assembly may proceed, at once, to elect the permanent officers by ballot.

Custom of  
Congress.

§ 9. The first business, in every representative assembly, after its organization, should be the appointment of a committee to ascertain the names of all who have been elected and returned as members. To this committee should be referred all cases of contested elections.

§ 10. When the proper officers are elected it will be the duty of the presiding officer to briefly set forth the object of the meeting. After this is done it will be in order for some one who is friendly to its

object to move that a committee be appointed to prepare resolutions, or to arrange any business for its action.\*

§ 11. The chairman then puts the question, if decided in the affirmative he says, "Of how many shall this committee consist?" If more than one number be named the question should first be put on the highest. If that be not agreed to, the next highest, and so on, till the committee shall be elected.

Re. 130, Ho.  
Rep. p. 102.

§ 12. If only one particular number be suggested, say three, the chairman should say, three have been mentioned, the committee will consist of three. He then proceeds to appoint them.

Rule 7, Ho.  
Reps., p. 68.

§ 13. The first person named on any committee is its chairman. It is right to name the mover in the appointment first.† After the names of the committee are announced, the chairman should provide at once a private place for the meeting of his colleagues, in case a room has not been previously set apart for the use of the committee.

Re. 8, Ho.  
Reps., p. 69.

§ 14. If it be known that the business cannot be finished at one session, some member should offer the following resolution, "Resolved, that when this meeting adjourns it will adjourn to meet again in this place, at — o'clock, P. M. Or at — Hall, on — inst., at — o'clock, A. M., or P. M. as may be judged best. When a resolu-

\* Or in case the design is to form a permanent society to prepare the Constitution and By-Laws.

† *i. e.* Chairman.

tion of this kind is agreed to, the meeting on closing its session merely adjourns, and the presiding officer declares that the meeting stands adjourned till —— o'clock, P. M., or any other time previously agreed on.

§ 15. The object of fixing the time of adjournment, at an early stage of the proceedings, is to prevent confusion, and also to give notice to the largest possible number. While the committee is absent, the chairman or any other prominent person present, should address the meeting\* on some appropriate and interesting subject.

§ 16. It is often the case that the mover for the appointment of a committee has already a report, or Constitution and By-Laws, written out in full, which he submits to his colleagues for alteration and improvement. Whether this be done or not, the committee should prepare the report, &c., with the utmost care and dispatch, and, so soon as it is finished, go into the meeting.

§ 17. The chairman of the committee should then either privately inform the presiding officer of his readiness to report, or take a prominent position so as to be easily seen by him. If any person occupies the floor he ought at once to close his remarks, or if any other business be before the assembly it should give way at the earliest opportunity for the report.

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\* The object of the address is to occupy profitably the attention of those assembled. Whenever it is possible to proceed to advantage with any other business, the address may be omitted.



§ 18. The moment business is suspended the chairman of the committee should address the presiding officer as follows: "Mr. President,\* the committee appointed to draw up resolutions† expressing the sense of this meeting have directed me to make this report," and then hand it to the presiding officer, who should say, "The committee appointed to prepare resolutions‡ report (in part or in full, as the case may be,) the following; will the secretary, or the chairman of the committee, (selecting the one he thinks will be best understood,) read the report?"

§ 19. After all the resolutions are read, the presiding officer says, "The report is before the assembly, shall it be considered separately or altogether?"§

Custom of Congress.

§ 20. If a majority appear to be in favor of considering it separately he will say, "The first resolution is before the assembly." Some member should then move its adoption, and another second the motion. The presiding officer then says, "It is moved and seconded that the first resolution be adopted."

§ 21. After a slight pause, if no one rises to speak, he says, "As many as are in favor of the first resolution say *yea*." Making a momentary pause, he continues, "As many as are of a contrary opinion, say *nay*." Then the *yeas* or the *nays*, as the case

Re. 4, Ho. Reps. p. 67.

\* Or Moderator, Speaker, or by whatever title he may be known.

† Or to prepare the Constitution, By-Laws, &c., as the case may be.

‡ Or Constitution, By-Laws, &c.

§ The best way is to consider it by clauses, if it be of much importance, or if any part thereof is likely to be objectionable.

may be, appear to have it. Again, after a momentary pause, he declares the *yeas* have it. Or if the *nays* appear to preponderate, the *nays* have it. The first resolution is agreed to, or rejected.

Custom of  
Congress.

§ 22. Sometimes it is difficult to determine which side of a question has a majority. When this happens to be the case, he says it is impossible for the Chair to decide.

§ 23. Those in the affirmative will rise.\* Suppose fifteen members stand up, he says fifteen vote in favor of the resolution. He should then direct all up to be seated and again say, "Those in the negative will rise." Suppose this number be sixteen, he says, "Sixteen vote in the negative; the resolution is rejected."

Custom of  
Congress.

§ 24. Suppose any member doubts the correctness of the decision of the Chair, he should say immediately after the presiding officer announces that the *yeas* or the *nays*, as the case may be, *appear to have it*, "I call for a division."

§ 25. The president should then say, "There is a call for a division. Will E. W. and Z. B. act as tellers."† Those in the affirmative will rise, twenty vote in the affirmative; those of a contrary opinion will rise, twenty vote in the negative; the Chair decides in the affirmative. In case the pre-

\* In case the meeting is small he should count the votes himself. If it be large he may appoint *tellers*, or direct the Secretary and the Vice-President to count the voters on each side.

† Particular care should always be taken to select one teller from the *affirmative* and the other from the *negative*.

siding officer should decline to vote, the resolution would be lost.

Jeff. Man.  
p. 179, this  
book.

§ 26. It often happens in called meetings that business is of a local character, and the proceedings are not intended to be published; in a case of this kind the business may be dispatched without the form of passing through the hands of a committee. On such occasions, the presiding officer, after making any remark he deems necessary, should say, "The meeting is organized and ready to proceed with business."

§ 27. It is then proper for any member to offer a resolution, and when it is seconded, the presiding officer should say, "The question is on the resolution, is the meeting ready for the question?" He then puts it provided no one rises to speak.

§ 28. If any resolution be in any way objectionable, or if it be incorrectly worded, it will be proper for any one to amend the same, or move that it be referred to a committee with instructions to make such alterations, or additions, as may be deemed necessary.

Jeff. Man.  
p. 163, this  
book.

§ 29. When it appears that there is no business before the meeting, the presiding officer may suggest the propriety of providing for the publication of a part or of all the proceedings; or when this is not necessary that the meeting adjourn *sine die*.\*

§ 30. When the business has not been finished the meeting should adjourn to such time and place

Re. 49, Ho.  
Reps. p. 81.

\* Without naming any day to meet again. A motion to adjourn *sine die* is equivalent to a total dissolution of the meeting.

as will probably best accommodate the majority and secure the largest attendance.

See Jeff.  
Man., p.188,  
this book.

§ 31. The object of an adjourned meeting should always be definitely stated, and public notice be given the same as in the original call.

#### INFORMAL MEETINGS.

§ 1. It frequently happens that several persons may be collected, especially ladies, where there is no definite subject to occupy the attention.

§ 2. In such cases time may often be best turned to account by reading extracts from some instructive book, and then making the topic the subject of general conversation.

§ 3. Again, committees may be appointed to examine the various publications, periodicals, newspapers, &c., and report those which are the most valuable, and the points in which they excel, and also to designate those which have an immoral and deleterious influence.

§ 4. Much has recently been done towards filling a chasm in the literature of the age by the writing of biographies of eminent and pious females. These books should be in every library, and often form the basis of social discussion.

§ 5. Original compositions and essays on subjects which tend to improve and elevate the standard of female education and female usefulness, afford alike the most pleasing and ennobling exercises.



## DUTIES OF THE PRESIDING OFFICER.

§ 1. THE presiding officer occupies a more influential and exalted position than any other member. Much of the success, prosperity, and often the very existence, of a society depends on his ability and energy. Hence it is incumbent on every one who expects ever to be called on to preside over any deliberative body, to understand a correct uniform system of rules for conducting public business.

Re. 1, Ho.  
Reps., p. 67,  
Re. 1 Sen., p.  
125.

§ 2. It is the duty of every presiding officer to take the chair precisely at the time at which the meeting may be called, or to which it may have adjourned, and immediately call the members to order.\*

Custom of  
Congress.

§ 3. He should then call on some one† of known probity and piety to open the deliberations with prayer.‡ After which he says, "A quorum being present, the secretary§ will read the minutes of the last meeting,"|| and then proceed with the regular business.

\* If a quorum be not present, those assembled may take such measures as will be most likely to secure that number by sending for absent members, &c. Re. 65, Ho. Rep., page 85, Rule 8 Senate, page 126.

† In case no one has been previously designated for that purpose, he should designate the person who would probably exert the most salutary influence.

‡ See order for conducting business, page 204.

§ In case the Secretary is absent with the records, a Secretary *pro tempore* may be elected, and any new business transacted.

|| This is done in order to correct mistakes if any should occur, and also for the information of those who might have been absent. The best way to correct mistakes is for the Secretary to read the minutes immediately before the adjournment of each meeting.

Re. 2, Ho.  
Reps. p. 67.

§ 4. He should preserve order and decorum, and announce each item of business at the right time.

Rls. 43 and  
44 Ho. Rep.  
p. 79, Re. 4,  
Ho. Rep. p. 67.

§ 5. He should state, or cause to be read aloud, by the secretary, all motions and propositions, properly made, and put the same to vote in a distinct form, and announce the result.

Re. 15, Ho.  
Reps. p. 70.

§ 6. He should sign all acts, orders, and other proceedings of the assembly which require to be authenticated, and cause the same to be attested by the secretary.

§ 7. He should receive all legitimate messages and other communications, and, at the proper time, announce the same to the assembly.

§ 8. He should represent and act for the body over which he presides whenever its prosperity and convenience require it.

§ 9. He should uniformly show himself the faithful guardian of its interests and its honor, by promptly, yet in the most conciliatory way, checking any personal reflections that may chance to occur in debate, and, whenever necessary, explain the rules of order.

Re. 6 and 7,  
Ho. Reps. p.  
68.

§ 10. He should see that the secretary informs the members of committees of their appointment, and whenever necessary explain the nature of their duties.

§ 11. He should call on each committee at every stated meeting for its report.

Re. 147 Ho.  
Reps. p. 106.  
Re. 48, Sen.  
136.

§ 12. He should have the general supervision of the place of meeting, and see that the requirements

of the charter, if any, are enforced, and that the Constitution and By-Laws are properly regarded.

§ 13. He should carefully protect all the property of the association; use all reasonable means to augment its resources, and especially cause its debts to be collected, and see that its funds are invested in the safest and best way.

§ 14. When two or more members happen to rise at the same time, he should name the one who is to speak first.

§ 15. He should be constantly on the alert to notice the first approach to personality in debate, and restrain any breaches of order with mildness, but with the utmost promptness and impartiality.

§ 16. He should make himself acquainted with the ability and character of all the members, so as to make the most judicious selections in appointing committees, and in promoting the highest prosperity and usefulness of the body over which he presides.

§ 17. He should vote on ballot, and when the assembly happen to be equally divided, his vote on ballot ought to be taken first, but in every other case it should be given last.\*

§ 18. He may call any member to the Chair, if he wish to take part in the debate, or to be absent for a part of the session. If the assembly provides for his absence by electing several Vice-

Re. 33, Ho.  
Reps. p. 76.  
Re. 5, Sen.  
p. 125.

Custom  
Speakers  
Ho. Reps.

Re. 12, Ho.  
Reps. p. 70.  
Re. 12, Sen.  
p. 128, Con.  
U. S., Art.  
1, Sec. 2, p  
10.

Re. 3, Ho.  
Reps. p. 68.

\* To avoid exerting an undue influence, and to cause each member to rely on his own judgment.

Presidents ;\* they take his place and the place of each other in the order of their rank.

See Spkr.  
Sec. 5, p. 151.

§ 19. When the presiding officer is absent, and there is no Vice-President to take his place, the assembly may elect a President *pro tempore*,† whose powers and duties, for the time being, will be precisely the same as those of the President.

Re. 3, Ho.  
Reps. p. 67.

§ 20. The presiding officer may state questions sitting, but he should always rise to put them.

See Jeff.  
Man. Sec. 5,  
p. 151, this  
book.

§ 21. Although the president may be considered the leading member of an association, yet he may be removed at the will of a majority of the body, over which he presides, and another appointed in his place.

#### DUTIES OF THE SECRETARY.‡

Re. 21, p.  
72, Re. 109,  
110 and 111,  
pp. 97 and  
98.

§ 1. It is the duty of the secretary to make a faithful record of all that is done and passed by the Assembly.

Re. 63,  
Ho. Reps. p.  
85.

§ 2. He should read all letters and papers; call the names of the members and note the absentees; also, when a question is taken by *yeas* and *nays*, call the roll, and note the answers.

Const. U.  
S., p. 12.

§ 3. He should notify each member of every committee of his appointment, and give him a list of

\* Ordinarily the Vice-Presidents have no duty to perform, but should sit on each side of the President. The First Vice-President should occupy a position at his right side, and supply his place in case of absence, and so on.

† For the time or occasion.

‡ When there are several secretaries appointed the one first named should be called on to read the minutes, papers, &c., of the assembly. In case of his absence this duty devolves on the second named, and so on.



his associates, and the order of their appointment, so that each may know who is chairman, and who, in case the chairman is absent, must serve in his place.

§ 4. He should state clearly, to each committee, the nature of the business to it referred, and he ought to sign all acts and proceedings required to be authenticated.

Re. 15, Ho.  
Reps. p. 70.

§ 5. He should carefully preserve and file, separately and distinctly, all letters, written reports, receipts and documents of every kind belonging to the assembly, and keep a correct journal of all its proceedings. Every thing of general interest, and every question on which a vote has been taken ought to be carefully recorded.

Rls. 142, 143,  
144, 145 and  
146, Ho. Rep.  
pp. 105 and  
106.

§ 6. It is not, however, the secretary's duty to make any report of the speeches, or of motions moved, debated and withdrawn, without being acted on by the assembly. Every resolution, motion, and important subject ought to be written in separate sections. There should be marginal notes on each page of the journal, to answer the purpose of an index to the matter therein contained.

Custom of  
Congress.

§ 7. He should never permit any paper to be taken from his custody without the leave or order of the assembly; he ought always to rise when he reads or calls the roll; and keep all his papers filed in perfect order, so as to produce any one the moment it is wanted.

Re. 41, Sen.  
p. 134.

Re. 42, Sen.  
p. 134.

§ 8. He should have adjusted under one head the names in full of all the members of the several

Cnst. Clk.  
Ho. Rep. and  
Sec. Sen.

committees, and also a correct list of all the unfinished business.

Re. 36, Ho.  
Reps. p. 77.

§ 9. He should pay the closest attention to all motions, amendments, and other business of the assembly, and attest the proceedings of each meeting.

§ 10. He should register the names of the members alphabetically, and keep an accurate memorandum of the post-office address and residence of each, so as to give him due notice of the time and place of every meeting.

§ 11. It is the duty of every secretary, at the expiration of his term of service, to deliver to his successor, or to the president, all books, vouchers, letters, papers, keys, and other articles which appertain to his office.

#### DUTIES OF THE TREASURER.

Cust. of  
Treas. U. S.

§ 1. It is the duty of the treasurer to deposit in the safest place all the money, notes, and papers of every description belonging to the assembly.

§ 2. He should charge himself with every item of property received, with the date, source, and other minute particulars pertaining thereto.

§ 3. He should not part with any money or other property of the assembly without an order, signed by the president and secretary, or a resolution authorizing him so to do.

§ 4. These orders and resolutions together, with the receipts of the party receiving the same, are a

bar to all further claims on him for the amount therein specified.

§ 5. He should, at all times, have his books properly posted, so as to tell the financial condition of the association whenever called on, or so that, in case of death, neither his own estate nor the interest of the society would suffer.

§ 6. It is proper, though not always required, for the treasurer to give a bond for the faithful performance of his duties.

§ 7. The treasurer, like the secretary, at the expiration of his term of service is bound to deliver to his successor in office, or to the president, all books, papers, and other property, properly arranged and in good order.

Cust. Treas.  
of U. S.

#### DUTIES OF THE LIBRARIAN.

THE librarian should have charge of the books, pamphlets, periodicals, maps, engravings, &c., belonging to the library, and ought to keep a record of all matters appertaining to the same; and at the expiration of his office deliver to his successor, or to the society through its presiding officer, all information, documents, &c., that will tend to augment its usefulness.

#### THE DUTIES OF A COMMITTEE.

§ 1. EVERY assembly must, necessarily, entrust much of its business to committees. It is impossible for all the members to examine, thoroughly, each for himself, every item of business that may be presented.

See Rls. Ho.  
Reps. 77 to  
103, pps. 89  
to 97 inclu-  
sive.

§ 2. Hence a committee, as a body, and the members of it personally, should give especial attention to every subject referred to them by the assembly. Each member should individually use constant vigilance to seek information by examination and personal inquiry.

Re. 76, Ho.  
Reps., p. 87.

§ 3. Every standing committee should have its regular chairman and secretary, keep accurate minutes of all its proceedings, and carefully deliberate on all matters to it referred.

§ 4. The members of a committee act for and in the place of the assembly; hence it is their duty to examine witnesses, abridge, simplify, arrange, and put in proper form, all resolutions, papers, bills, and every description of business which may be assigned them.

Re. 108, Ho.  
Reps., p. 97.

§ 5. The duties and powers of committees may be modified or enlarged by definite instructions given, at any time, by the assembly; it is their duty to meet and attend to the business assigned them with systematic order, and, unless otherwise directed, at times when the assembly is not in session.

Clause 6,  
p. 163.

§ 6. A majority of all their members is necessary to constitute a quorum; their business and duties, like those of the assembly, require mutual consultation and deliberation; hence, no business can be properly transacted by separate consultation with every member by the chairman.

Clause 5,  
p. 163.

§ 7. If matters are referred to a committee with particular instructions, it must report accord-



ing to the directions given. In all other cases it may make such a report as it judges best.

§ 8. A committee may amend any bill or document referred to it, but the amendment should always be on a separate paper, and distinctly state the words to be inserted or erased, and specify clearly the word, or words, the line, or lines, where such alterations are to be made.

Re. 127, Ho.  
Reps. p. 102.

§ 9. A committee has no right to erase, interline, disfigure, or alter, in the least, any paper or document referred to it by the assembly. When it is found necessary to make several alterations, it may draft an entirely new paper, and report the same as a substitute for the original.

Jeff. Man.  
last clause  
of Sec. 21,  
p. 164, this  
book.

Clause 1st,  
p. 167.

§ 10. If the members of a committee be of opinion that the subject referred cannot in any way be amended, so as to be productive of good, even then they have no right to reject it, unless the whole business, as well as the form, has been referred. They should report the matter back to the assembly, state their objections, recommend that it "do not pass," and oppose it the same as other members.

#### SELECT COMMITTEES.

§ 1. SELECT Committees may be appointed at any time to examine and report upon any specified subject. After making their final report,\*

Custom of  
Congress.

\* The adoption of the report of a Special Committee dissolves it without any action of the Assembly, but a report may be received and action thereon postponed.

they may be discharged either by a resolution or by a motion.

Re. 76, Ho.  
Reps. p. 87,  
and Re. 105,  
p. 96

§ 2. Standing Committees should be appointed at the beginning of each session, and continue to examine and report upon all business coming within the scope of their jurisdiction. Their reports are justly entitled to the most weight with an assembly,

Jeff. Man.  
p. 162, this  
book.

§ 3. For both the mover and seconder for the appointment of a Select Committee are placed on the same. The Parliamentary rule requires that those opposed to a subject be not appointed; this rule in Congress is not strictly observed; if it were, the reports of Select Committees would have less weight than what they do at present,

Clause 2d.  
p. 163.

§ 4. For it is presumed that gentlemen in favor of a certain proposition would always report in its favor. It may also be observed that the mover is usually the Chairman, and draws the report agreeable to his own views.

#### STANDING COMMITTEES.

Re. 76, Ho.  
Reps. p. 87,  
and Re. 105,  
p. 96.

§ 1. STANDING Committees being appointed at the opening of each session, are less liable to be prepossessed in favor of, or against any measure, than those who are appointed, perhaps, at the time of excitement, and after each member has been, to some extent, committed to the measure.

§ 2. The fact that Standing Committees keep a record of their proceedings, tends to make them more careful in their deliberations; they

also have former committee-books of reports, perhaps for a series of years, to refer to and consult previous to making their report.

§ 3. In case the chairman is absent, or declines or neglects to appoint a meeting, it is the duty of the committee to meet on the call of any two of its members.

§ 4. In all cases where property is at stake, or whenever there is a temptation for bribery and corruption, the reports of committees should be thoroughly examined by each member of the assembly.

§ 5. For in adopting the report it thereby becomes the report of the assembly, and all the doings of a committee have precisely the same force and power as though they had been originally drafted and acted on by the assembly, without the aid of a committee.

§ 6. To secure the utmost respect and confidence, all standing committees should be elected by ballot.\* As drawing the report usually devolves on the chairman, he should be first elected, by himself, and receive, at least, a majority of all the votes cast.

§ 7. The other members may all be elected at one ballot, and a plurality of votes only be required for a choice.

§ 8. If, however, an assembly wish to avoid the tediousness of electing a large number of commit-

Re. 10, Ho.  
Reps. p. 70.

Re. 34, Sen.  
p. 132.

Re 7, Ho.  
Reps. p. 68.

\* In large assemblies convened from various sections of the Union, the members should nominate the individuals to serve on a committee; but no one should nominate more than one person.

tees, it may appropriately delegate this power to the presiding officer, whose reputation and duty alike require him to select the men best qualified to discharge such duty.

#### THE CHAIRMAN OF A COMMITTEE.

Re. 8, Ho.  
Reps. p. 69.

THE first named on a committee should act as chairman; unless a majority choose some other member of their body to fill that office.

#### COMMITTEE OF THE WHOLE HOUSE.

Re. 30, Ho.  
Reps. and  
Note p. 76.

§ 1. ALL business of great public interest should be first discussed in a committee of the whole House.\* The benefits derived from this course

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\* Who debate and amend the subject till they get it into a shape that meets the approbation of a *majority*, which being reported, and confirmed by the assembly, may then be referred to a select committee. The following is, in substance, extracted from the journals of Congress, June 8th, 1776.—“After being in session some time, the president resumed the chair, and the chairman of the committee of the whole, Benjamin Harrison, of Va., reported that the ‘committee had *taken into consideration* the matter to it referred, but not having come to any resolution thereon, directed him to move to sit again on the 10th.’ ‘Resolved, that this Congress will, on the 10th inst., at ten o’clock, resolve itself into a committee of the whole, to take into their further consideration the resolutions referred to them.” June 10th, 1776. “Agreeably to order, Congress *resolved itself* into a committee of the whole, to take into further consideration the resolutions to it referred; and after some time spent thereon, the president resumed the chair, and Mr. Harrison reported that the committee have had under consideration the matters referred to it, and have come to a resolution thereon, which they directed him to report.” “Resolved that these United Colonies are, and of right *ought to be*, free and independent states; that they are absolved from all allegiance to the British crown: and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.” June 11th, 1776. “Resolved, that the select committee for preparing the Declaration of



are, that the assembly assumes the character of a colloquial meeting, where each member offers and receives advice. Several legislative rules are not enforced; the speeches are generally shorter, and the opinions of a majority may thus be better elicited.

§ 2. The parliamentary rule permits a person, in committee of the whole House, to speak as often as he can obtain the floor. But in Congress a member is prohibited from speaking twice on the same question, till each one has had an opportunity to express his views. This is a wise regulation, for those not in the habit of speaking are generally brief, and confine their remarks strictly to the merits of the question, and the leading points of the subject, without entering into its details.

§ 3. The form for any body to go into a committee of the whole house is for the presiding officer, on motion of some member, to put the question, that the house or meeting now resolve itself into a committee of the whole, to consider the proposed business (which should be distinctly specified). If determined in the affirmative, he appoints some one as chairman, then leaves his place and takes a seat the same as any other member, and the person appointed chairman does not occupy the speaker's chair, but sits at the table of the secretary. A committee of the whole cannot adjourn

Jeff. Man.  
pps. 152 and  
153 this bk.  
Also Rls.,  
124 to 138,  
Ho. Reps.  
pps. 101 to  
104 respect-  
ively.

Jeff. Man.  
p. 166, this  
book.

Re. 134,  
Ho. Reps.,  
p. 103.

Re. 125,  
Ho. Reps.,  
p. 101.

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Independence consist of five. The committee were chosen as follows: Benjamin Franklin of Pa., John Adams of Mass., Thomas Jefferson of Va., Roger Sherman of Conn., R. R. Livingston of N. Y."

as other committees may, but if business is unfinished it rises on a question.

§ 4. The house or meeting is then resumed; the chairman reports that the committee have, according to order, had the business under consideration, and made progress therein; but not having time to finish it, have directed him to ask leave to sit again. The question is then put, on having permission, and on the time the house will again resolve itself into a committee of the whole.

§ 5. The committee can consider only the subject to it referred. When this is done,\* the chairman should say, "The propositions under consideration are closed, the committee will rise." He ought then to return to his place in the assembly, and the regular presiding officer should, at once, resume his official seat, and the chairman of the committee ought immediately to say, "Mr. President, the committee of the whole house† have had under consideration the subject." [Here state it and the result of the deliberations thereon.] The secretary of the assembly records nothing but the report of the chairman.

#### THE MOTION TO COMMIT.

§ 1. WHENEVER a proposition, or business of any kind, is brought before an assembly, which is de-

\* Or when the committee cannot proceed further for the want of time, or for any other cause, the chairman should report according to the facts of the case.

† For Committee of the Whole on the state of the Union, see note on the 76th page.

sirable to pass, but the form in which it is introduced is crude and defective, a motion should be made to refer the subject to a committee, which is styled a commitment.\*

§ 2. This motion may be amended by substituting a different committee; by increasing or lessening the number; or by definite instructions which may be done to procure further information, and postpone the subject for future consideration.

§ 3. When different committees are proposed, the question should be taken in the following order: 1st. Committee of the whole house. 2d. A standing committee, and 3d. A select committee. As a general rule, the subject should be referred to a standing committee, provided there be one suitable to take cognizance of it. If not, a select committee ought to be appointed.

§ 4. Any member of an assembly may be present at a select committee, but cannot vote, and must give place to all of its members. With the exception that the title or subject cannot be changed, a committee has full power over any bill or paper committed to it.

§ 5. The paper before committees, whether select or of the whole, may be a bill, resolutions, or draft of an address, either referred to, or originating with them. In all cases the paper should be first read by the secretary of a committee, and then by the chairman, by paragraphs; a pause

Re. 47, Ho.  
Reps. p. 80.

Jeff. Man.,  
Clause 7th,  
p. 163.

Clause 8th,  
p. 163.

\* In case it has already been referred, it is styled a *re-commitment*. See Sec. XXIII. page 165, and the note thereto.

Jeff. Man.,  
Clause 1st,  
p. 164.

being made at the end of each, and questions for amending put, if proposed.

§ 6. With respect to resolutions on distinct subjects emanating from themselves, questions should be put on each separately as amended or unamended, but no final question on the whole; though if they relate to the same thing, a question should be put on the whole.

§ 7. If the paper originating with them be a bill, draft of an address, &c., they should proceed by clauses to put questions for amending, either by insertion or omission, if proposed; but no question on agreeing to the paragraphs separately: at the close a question should be put on the whole for agreeing to it as amended or unamended.

§ 8. If a paper be referred to them, they should put questions of amendment, when proposed, but no final one on the whole; for all parts of the paper having been adopted by the assembly must stand, unless altered or struck out by a vote.

Re. 134,  
Ho. Reps. p.  
103.

§ 9. The rules of order that govern assemblies, in most cases, apply to committees, but not always; for example, disorderly words or conduct in a committee cannot be punished by the members thereof; all they can do, is to take down the words, note the conduct, and report the same to the assembly for it to adjudicate and punish.

Jeff. Man.  
Sec. 25, p. 166,  
this book.

Jeff. Man.  
latter part,  
Sec. 8, p. 154.  
And clause  
4th p. 164,  
this book.

§ 10. After a committee has agreed upon a report, on the business entrusted to it, some member should move that the committee now rise, and that the chairman, or in his absence some other



one, report the result of the proceedings to the assembly, which being agreed to, terminates their deliberations.

#### FORM OF THE REPORT OF A COMMITTEE.

§ 1. THE chairman, or the member appointed to make the report, at the proper time, should rise in his place and inform the assembly, that the committee to whom was referred the [naming the title of the paper or business to the committee referred] have, according to order, had the same under consideration, and directed him to report thereon, with or without amendment, as the case may be.

Rep. Com.  
Jeff. Man.  
p. 164, this  
book.

§ 2. He then hands the report to the presiding officer, or proceeds to read it, if desired. It is usual in legislative assemblies to have all the important reports of committees printed, and to dispense with the reading till the subject comes up for final action.

Jeff. Man.  
last clause  
p. 167, this  
book.

§ 3. Making the report and its adoption dissolves the committee. If, however, the assembly decline to receive it on the ground of new matter, or any other cause, the committee is not dissolved, but may be required to *re-examine* the subject and make another report.

Last clause  
sec. 22, p.  
165.

§ 4. A committee may report, simply stating the facts and the results of their deliberations, without any resolution respecting the business to it referred. Reports of this kind should terminate with, "Re-

solved that this committee be discharged from the further consideration of this subject.”\*

#### REPORTS OF A COMMITTEE.

See Sec. 22,  
p. 164.

§ 1. OR a committee may state the facts, &c., and conclude by condensing them and all the reasonings thereon, in the form of a resolution or a series of resolutions, or it may report by resolution without any preliminary observations.

§ 2. All resolutions should recommend definite action, and form the basis of proceeding for an assembly.

Re. 25, Ho.  
Reps. p. 74.

§ 3. The first question after a report, is on its reception or adoption. If it contains only a statement of facts, reasonings, or opinions, the question should be on its acceptance.†

§ 4. If, however, it contains a resolution, or definite propositions of any description, the question should be on its adoption.

#### THE MINORITY REPORT.

Custom of  
Congress.

§ 1. EACH member of every committee is presumed to have carefully examined the subject re-

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\* In Congress, when the business is unfinished, the form of proceeding varies. The chairman of a committee of the whole House on the state of the Union, reports that “the committee have come to no resolution thereon.” The chairman of a committee of the whole House “reports progress, and asks leave to sit again;” and the chairman of a standing or select committee when called on, simply announces the fact that “the committee are not prepared to report.” See page 153.

† And the acceptance or adoption of the report, under these circumstances, dissolves a special committee.

ferred, in all its bearings; hence, should any one differ in opinion from his colleagues, and be desirous of placing his views and conclusions before the assembly, he may do so by making a separate and distinct report, immediately after that of the majority.

§ 2. Whenever any one of a committee feels it his duty to make a statement different from his colleagues, he should signify his desire to some member, who should move that action on the report of the majority be postponed in order to hear that of the minority,\* and immediately after it is made, a motion will be in order to take up, for consideration, the report of the majority, but that of the minority may be substituted for it, or the subject may be recommitted with instructions, or the whole matter may be referred to a new committee.

Re. 120, Ho.  
Reps. p. 100.  
See recom-  
mitment, p.  
165.

## PRECEDENCE OF QUESTIONS.

### § 1. THE proposition first moved and seconded

Jeff. Man.  
p. 168, this  
book.

\* When the minority are not ready to report, the whole matter may be postponed till another meeting, or the assembly may proceed at once to act on the report of the majority. Whenever a committee may be divided, the following are the appropriate forms: The undersigned, a majority of the committee on the —, to whom was referred the — relating to —, have bestowed upon them that deliberate consideration which their importance is entitled to, and beg leave to submit the following report:

*Report of the Minority of the Committee on the —*

The undersigned, a minority of the committee on the —, to which were referred the — relating to —, beg leave to submit the following report:—

should be put first, unless a privileged question arises.

§ 2. The following are privileged questions, and have precedence in the order in which they are arranged :

Re. 43, and  
note, p. 80.

1. A motion to fix the day to which the assembly shall adjourn.

2. To adjourn.

3. To lie on the table.

4. For the previous question.

Re. 46, Ho.  
Reps. p. 79.

5. To postpone to a day certain.

6. To commit.

7. To amend.

8. To postpone indefinitely.

§ 3. The design of the privileged questions is to subserve the interests of the assembly. A proposition, of great benefit, may be brought forward, which the majority may not comprehend, and consequently deem useless, or inexpedient, and which, if put to a direct vote, would be rejected ; hence, the motion to lay a proposition on the table, which admits of no amendment, will often prevail, and upon further examination it may be called up and passed by the votes of those who, if urged to vote in the first instance, would have rejected it.

Re. 50, Ho.  
Reps. p. 81.

§ 4. The previous question is designed to rid the assembly of an unnecessary discussion. It is not in order, and should not be put unless demanded by a majority present. The postponement to a day certain, gives the members more time for deliber-



ating thereon, or affords them an opportunity to attend to other business requiring immediate action.

§ 5. When a proposition ought to be condensed, simplified, or materially altered in any way, it should be referred to a committee. If it need only a slight alteration, a motion to amend it may be all that is necessary.

See Sec. 5,  
p. 169.

§ 6. When it is desirable to reject any question in a delicate manner, indefinite postponement should be moved.

§ 7. The main question may also be delayed by the introduction of questions which affect the personal rights and privileges of the members, or of the assembly itself; for example, a quarrel may arise between some of those assembled, or the business of the meeting may be interrupted by some other kind of disorder.

See privileged questions, page 171.

§ 8. Questions growing out of cases of this description, take the precedence of all others, except those pertaining to adjournment, and should always be first decided. When order has been restored, business should be immediately resumed at the point at which it was suspended.

Custom of Congress.

§ 9. A question that arises out of another, should be decided before the original one, from which it arose; hence an amendment to an amendment should be first put; then the amendment, and lastly the original question, either with or without amendment, as the case may be.

See p. 170.

§ 10. When a question of order arises, it arrests all consideration of the subject out of which it

Cust. Ho. Reps.

Re. 2, Ho.  
Reps., p. 67.

arose, and should be first decided, after which the business that gave rise to it should, unless disposed of by the question, be resumed at the point at which it was suspended. All questions of order should be promptly decided, without debate, by the presiding officer.

#### ADJOURNMENT.

Re. 46, 48,  
and 49, Ho.  
Reps. pages  
79, 80 and  
81.

§ 1. A MOTION to adjourn is always in order, unless it be made immediately after the question to adjourn has been negatived;\* then it would not be in order, for the question already decided would be the same as the one following it.

Jeff. Man.  
p. 188, this  
book.

§ 2. An assembly may adjourn for conference, or for a certain number of minutes.

Custom Ho.  
Reps.

§ 3. Should a regular adjournment take place during the consideration of any business, or before any question is decided, the subject before the assembly at the time is thereby removed, and will not come up as the first business of the next meeting, but will take its place as the first item in order on the roll of unfinished business.

#### ORDERS OF THE DAY.

Re. 27, Ho.  
Reps., p. 74.

§ 1. WHEN any subject before an assembly is postponed to a certain day, it is called the ORDER for that day. If two or more subjects be postponed to the same day, they form the orders for that day.

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\* Or unless a motion be made to fix the time to which the assembly will adjourn. [See note to Rule 48, Ho. Reps. p. 80.]

§ 2. If a subject be postponed to a certain hour of the day named; it is not a privileged question before that time. If no hour be stated, it takes precedence of all other business for every part of that day, or so much of it as is necessary for the final decision.

Re. 30, Sen.  
p. 130.

§ 3. A motion for the order of the day takes precedence of all other questions, and should be first put to vote; unless a motion be made to adjourn, or a question arise respecting the rights and privileges of the assembly, or some of its members.

Jeff. Man. p.  
160 and 168,  
this book.

§ 4. The business before an assembly, at the time it is decided to take up the special orders of the day, is affected precisely the same as if it had then adjourned, and comes up, as a matter of course, first on the roll of unfinished business at the next meeting.

Re. 58, Ho.  
Reps. p. 84

READING PAPERS.

WHEN documents, or papers of any kind, bearing directly on the question, are in possession of the assembly, any member may demand that they be once read, and it is the duty of the presiding officer to take the vote thereon; or when it appears evident that the reading of a paper will give important information, and tend to dispatch business, he may direct the secretary to read it, but if any member object, a vote should at once be taken as aforesaid.

Re. 57, Ho.  
Reps. p. 84.  
Rule 14, Sen.  
p. 127.

## ORDER OF BUSINESS.

Re.136, Ho.  
Rep. p. 103.

§ 1. If an important motion, or business of any kind, be obstructed by some rule or regulation, it may be suspended, for the purpose of disposing of the same by a vote of two-thirds of the members present.

§ 2. A motion to suspend should always be put before the consideration of the question which would be in order by the rules of the assembly.

Re.55, Ho.  
Reps. p. 82.

§ 3. No motion or proposition on a subject different from that under consideration, should ever be allowed, by way of amendment.

## THE PREVIOUS QUESTION.

Re. 50, Ho.  
Reps. p. 81.

§ 1. WHEN the previous question is moved, and seconded by a majority, the presiding officer should rise and say, "The previous question has been moved and seconded. Shall the main question\* be now put?"

§ 2. The object of a call for the previous question is, generally, to wind up a tedious and unprofitable debate. This question, if decided in the affirmative, suspends all further consideration of the main subject, and stops all debate or amendment pertaining thereto,† and the vote is at once taken without further deliberation.

\* The main question is the principal and original subject. See the note to Rule 50 at the bottom of the 81st page.

† In Congress, the mover of the previous question aims to get an affirmative decision, and bring the subject to a direct vote. In Parliament, on the contrary, the design is to get a negative decision, and suppress a vote on the question altogether. A negative decision, accord-



§ 3. A direct vote may be taken on any subject, without the previous question, by a rule that after a specified time, appropriated to its consideration, all debate thereon shall cease, and that the assembly shall vote directly on all questions pertaining thereto.

§ 4. Or a society may make a rule that no member shall speak more than once, nor longer than a certain number of minutes.

Re. 34, Ho.  
Reps., p. 76.

§ 5. No debate should ever be allowed on the previous question after it is properly demanded, but the vote should always be first taken on the auxiliary, or as they are sometimes called, subsidiary questions, provided the main subject is so encumbered.

Re. 51, Ho.  
Reps., p. 82.

§ 6. For example, suppose it has been moved and seconded to refer the main question to a committee previous to the call for it; then the vote should first be taken on that proposition, and should it prevail, the main question would be disposed of. But if not, the next vote should be on amendments, if any, reported by a committee; then on amendments, if any, proposed in the assembly; and lastly on the main question itself.\*

Re. 50, Ho.  
Reps., p. 81.

§ 7. If, when the previous question is called,

Re. 46, Ho.  
Reps., p. 79.

ing to Parliamentary usages, puts off all further consideration of the main question; but by a negative decision, according to the custom of Congress, the debate goes on the same as if the motion for the previous question had not been made.

\* The Parliamentary practice is contrary to the Congressional rule in regard to this question. See previous question, Jefferson's Manual, page 172 this book.

there be no secondary questions pending, then the vote should be taken directly on the main question.

Re. 56. Ho.  
Reps. p. 62.

§ 8. A motion to postpone to a certain day may be amended by the substitution of a different time, provided it be within the session of the assembly, so as not to make the subject different from the one first under consideration.

#### THE MOTION TO COMMIT.

Re. 46. Ho.  
Reps. p. 70.

§ 1. The motion to commit\* is next in order, and may be amended by substituting a different committee, by increasing or diminishing the number, or by instructing the committee to introduce some particular amendment.

Re. 46. Ho.  
Reps. p. 70.

§ 2. When a motion to commit, or recommit, as the case may be, is decided in the affirmative, the principal question, and every thing pertaining thereto, is removed, for the time being, from the assembly: but if it be negatived, it will still remain, and must be disposed of in some other way.

#### AMENDMENTS.

Jeff. Man.  
p. 174, this  
book.

§ 1. THERE are three different ways of making amendments:

1st. By inserting or adding some specified word, phrase, sentence or section.

2d. By striking out some specified word, phrase, sentence or section.

\* Or if the subject has been once before a committee to re-commit.

3d. By striking out some particular part, and inserting, or adding in its stead, or otherwise, some word, phrase, sentence or section.

§ 2. Every proposition of several sections ought to be first read throughout by the secretary. Then the presiding officer should read it, by clauses, beginning immediately after the preamble, and pausing, at the end of each clause, to give room for inquiries, amendment, &c.

Re. 127. Ho. Reps. p. 102.

§ 3. After any portion of a bill, or paper, has been amended, it is not in order to go back and make any additional alteration or amendment. The only means to reach this point is by reconsideration.

Jeff. Man. Clause 33, p. 164, this book.

§ 4. The right way to consider and amend every paper, is to commence at the beginning and go through it by clauses. But on the second reading by the presiding officer, the preamble, if any, should be omitted till all the other parts have been acted on, for the reason, that on the examination of the balance of the paper, such changes may be made therein as to require the alteration of the preamble.

Custom of Cong. and Jeff. Man. Clause 34 p. 164.

§ 5. It is in order to move an amendment to an amendment, but no further.\* When, in the opinion of any member, an amendment to the amendment may be improved, he may give notice that if rejected in the form A. B., in which it is presented, he will move it again in the form C. D., in which he desires it.

Cust. Ho. Reps.

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\* It is never in order to amend an amendment to an amendment.

Re. 55, Ho.  
Reps. p. 82.

§ 6. A resolution may be amended by striking out all after "resolved," and inserting a new proposition, provided it relates to the subject under consideration.

See Sec. 29,  
Clause 4, p.  
173.

§ 7. It is a fundamental rule, that whatever is agreed to by an assembly, on a vote adopting an amendment to a proposed amendment, cannot be afterwards changed by rejecting the amendment; that is, the rule acts on the principle that the amended amendment is based upon and befriends the original proposition, and not the amendment.

§ 8. Hence, if the original proposition be A. B. C. D., and the amendment be to strike out C. D., and the amendment to the amendment be to strike out D. If the latter be sanctioned, and the former be rejected, then D. no longer remains a part of the first proposition.

See Jeff.  
Man., clause  
1st, p. 174,  
this book.

§ 9. A motion for an amendment, once negatived, cannot be renewed in the same form.

§ 10. If an amendment be proposed and agreed to, by striking out or inserting some specified word or words, the question cannot again be put to strike out or insert the same words. The proposition, in its original form, can only be had by reconsideration.

Re. 12, Sen.  
p. 126.

§ 11. But the same words, or a part of them, may again be used in connection with other words, provided they are so arranged as to make a proper coherence and a different proposition.

§ 12. When it is moved to amend by striking



out, or by adding or inserting, or by striking out some specified words and adding or inserting others, the question should be stated by reading the whole proposition to be amended as it stands. Then the words proposed to be stricken out. Next, those to be inserted, and finally the whole proposition as it will be if amended.

§ 13. After all the amendments have been disposed of, the presiding officer should put the final question, on agreeing to, or adopting the whole bill, or paper, amended, or unamended, as the case may be.

Jeff. Man.  
clause 2d, p.  
174, this bk.

## MODE OF DEBATE.

§ 1. No person, in speaking, should mention any one present by name, but ought to describe him by the place or State he represents, or as the member on my right or left, or the member who spoke last, or the last but one, or the gentleman on the other side of the question, or my colleague, or the gentleman who offered the resolution or the amendment, &c.

Jeff. Man.  
p. 157, this  
book.

§ 2. The object of this mode of procedure is to do away with all manner of excitement, and to exclude all personal feeling, both of friendship and of enmity. The members should each act in an official, not personal, capacity.

§ 3. No one should ever use language offensive or insulting to the assembly, or any member thereof. The consequences of a measure may be denounced in strong terms, but everything per-

Clause 5,  
p. 157.

taining to the motives of those who advocate it, should be scrupulously avoided.

Rls. 35 and  
36, Ho. Rep.  
p. 77.  
Re. 6, Sen.  
p. 125.

§ 4. When a member is called to order, the exceptionable words should, at once, be written down.

Re. 37, Ho.  
Reps. p. 77.

§ 5. When a member has spoken once, and desires to occupy the floor again, before others wishing to speak have done so, he ought to ask leave of the presiding officer, who says, "Shall the member have leave?" If no objection be made, or if objected to and decided in the affirmative, he says, "The gentleman will proceed."

See Jeff.  
Man. p. 156.

§ 6. Leave should always be obtained to make any statement to the assembly which does not involve a motion. No subject ought to be considered open for debate till after it has been stated by the presiding officer.

Re. 113, Ho.  
Reps. p. 98.

§ 7. All incidental questions of order, motions to reconsider, to take up particular items of business, and to read documents pending a question, should be promptly decided without debate.

Re. 34, Ho.  
Reps. p. 76.

§ 8. No member should be permitted to occupy more than one hour in debate. In societies that hold only one meeting, it will be advantageous to limit each individual to a certain number of minutes.

Re. 35, Ho.  
Reps. p. 77.

§ 9. Whenever a member is declared out of order, he should not be permitted to proceed, if any one object, without the consent of the assembly.

§ 10. A faithful observance of the rules for con-

ducting public business best promotes the harmony, prosperity, and usefulness of every deliberative body. It is not enough for a few to understand legislative proceedings, for then business is transacted and power exercised by a minority, the real criterion of a monarchy.

§ 11. The genius of free institutions presupposes that each member, however humble, as an individual, has an equal right with every other one, to submit his propositions, bring forward official business, explain, recommend, and discuss all matters pertaining thereto.

§ 12. No assembly should ever know a member either with undue favor or prejudice, but should always look to the merits of the case, and patiently examine and deliberately decide thereon.

QUESTIONS NOT DEBATABLE.

§ 1. IN order to economize time, and secure dispatch of business, the following questions should never be debated :

1. A motion to fix the day of adjournment.
2. A motion to adjourn.
3. A motion to lie on the table.
4. The previous question, and all incidental questions pertaining thereto.
5. All appeals in calls to order.
6. All questions relating to priority of business.
7. A motion to read any paper.
8. A motion to take the yeas and nays.

Re. 48, Ho.  
Reps. p. 80.

Re. 50 and  
51, Ho. Rep.  
pp. 81 and  
82.

Re. 35, Ho.  
Rep. p. 77.

Re. 113, Ho.  
Reps. p. 98.

Re. 14, Sen.  
p. 127.

Re. 16, Sen.  
p. 127.

Custom of  
Congress.

9. A motion relating to priority of business or to any particular part thereof.

10. A motion to reconsider.

Re. 6, Sen.  
p. 125.

11. And all motions relating to order should be promptly put or decided by the presiding officer, subject, however, to an appeal.

#### THE DIVISION OF A QUESTION.

Re. 53, Ho.  
Reps. p. 82.  
And Re.  
12, Sen. p.  
126.

§ 1. WHEN a question in debate contains two or more separate and distinct points, any member may have the same divided. When there is a call for the division of a question, the presiding officer should determine whether it is susceptible of separation; if so, into how many parts it may be divided.

Re. 151,  
Ho. Reps. p.  
106.

§ 2. The member who calls for the division of a question, should also state the form in which he proposes to have it taken, for a motion to divide assumes the nature of an amendment, and as such may be amended.

Re. 53, Ho.  
Reps. p. 82.

§ 3. It may happen that a proposition will contain several separate and distinct parts, some of which may be very pernicious, while the others will be exceedingly beneficial. Hence the wisdom of the rule in permitting any member to demand a division. It offers the shortest way of amendment, and throws every question upon its own intrinsic merit.\*

\* This rule, though sanctioned by both Houses of Congress, is contrary to the Parliamentary rule. See division of the question, Jefferson's Manual, page 175, this book.



## INDEFINITE POSTPONEMENT.

INDEFINITE postponement admits of neither debate nor amendment; it suppresses a question altogether, without coming to a direct vote thereon in a way which cannot be renewed during the session. This motion decided in the affirmative in Congress, is equivalent to the previous question decided in the negative according to the ancient rule in parliament.

Re. 52, Ho.  
Reps., p. 82.

## POSTPONEMENT TO A CERTAIN TIME.

WHEN an assembly has more subjects before it than can be disposed of in one day; or when its members wish for more information, or want time for examination and reflection, a motion should be made to postpone the business to a certain time, when different days are named, the question should be first put on the longest period.

Custom of  
Congress.

Re. 130, Ho.  
Rep. p. 102.

## TO LIE ON THE TABLE.

§ 1. THE motion to lie on the table takes precedence of every other, except that of adjournment. When an assembly wishes to lay aside the consideration of any proposition for a short, but indefinite time, the motion to lie on the table should be made.

Re. 46, Ho.  
Reps. p. 79.

§ 2. If this motion be decided in the affirmative, the main question, with every thing pertaining thereto, is removed. All subjects lying on the

table may be renewed whenever it suits the convenience of the assembly.

§ 3. The motion to lie on the table is often resorted to by those unfavorable to a proposition, the operation of the rule being similar to the ancient application of the previous question, for, unless a majority afterwards consent to take up the subject, it is quashed.

§ 4. When it is proposed to lay any proposition, report, resolution, or paper on the table, the friends of the measure should have it limited to a specified time, or until certain questions have been decided; after which, a motion should be made that the assembly proceed to consider the subject on the table.

#### THE MOTION TO RECONSIDER.

Re. 56, Ho.  
Reps. p. 83.

§ 1. WHEN a motion has been carried, either in the affirmative or negative, it is in order for any member who voted on the side which prevailed to move for a reconsideration, on the same or the succeeding day, or at the next meeting after the one at which the question proposed to be reconsidered was passed or rejected.

Re. 20, Sen.  
p. 128.

§ 2. But no motion to reconsider is in order after the subject upon which the vote was taken shall have been announced, by authority, and gone out of the possession of the assembly.

Re. 44, Sen.,  
p. 135.

§ 3. In all cases a motion to reconsider should be decided by a majority of the votes present, and it takes precedence of all other questions, except

those to adjourn, and brings the whole subject up for debate the same as if it had not been acted on.

Re. 56, Ho.  
Reps., and  
Note, p. 83.

§ 4. Adroit politicians sometimes vote on the side of their opponents when a question is likely to be lost for the purpose of moving a reconsideration; but if it appears that a few members wish to retard the public business by this manœuvre, it is proper to lay the motion to reconsider on the table, which effectually disposes of it, unless a majority desire to call it up again.

#### APPEAL.

§ 1. A DECISION of a presiding officer may be made the subject of appeal by any two members, and the motion to appeal may then be debated and decided the same as any other question. The presiding officer may give the reasons for his decision, but neither he nor any member should speak more than once, without leave of the assembly.

Re. 2, Ho.  
Reps. p. 67.

§ 2. When an appeal is made from the decision of the chair, the question ought to be put in the following manner: "SHALL THE DECISION OF THE CHAIR STAND AS THE DECISION OF THE ASSEMBLY?"

§ 3. The appeal and the vote thereon should be recorded by the secretary.\* The question of appeal supersedes, for the time being, the further consideration of the subject before the assembly; but so soon as it is settled business should be resumed at the point at which it was interrupted.

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\* It is always in order to move that the appeal lie on the table.

## MOTIONS.

Rls. 9 and  
10, Sen. p.  
126.

§ 1. No MOTION should be put till it be seconded by some member.\* Every motion should, if desired by the presiding officer, or any member, be reduced to writing, and read, before any action or debate thereon.

Re. 43, Ho.  
Reps. p. 79.

§ 2. Every motion properly made should either be stated by the presiding officer, or, being in writing, read aloud by the secretary.

Re. 45, Ho.  
Reps. p. 79.

§ 3. After a motion is stated, or read, it is in possession of the assembly, but may be withdrawn by the mover at any time before an amendment† or decision.

§ 4. When a question is stated, the presiding officer should first give the floor to the mover, if he rises to speak. When a motion to consider any particular item of business is negatived, it cannot be renewed till some other subject has been disposed of.

§ 5. When business is brought before an assembly which is not desirable to consider, a motion for indefinite postponement may be made.

§ 6. When a subject is presented in a suitable form, a motion to proceed with its consideration, or to adopt, or reject it, may be made.

§ 7. When the general outline of a proposition is acceptable, and desirable to be passed, with some

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\* The presiding officer, if a member of the assembly, may second the question.

† After an amendment it can only be withdrawn by general consent, or by a unanimous vote.



erasure, additions, or other changes, a motion to amend may be made.

QUORUM.\*

§ 1. EVERY assembly, to attain the highest degree of usefulness, should have the respect and confidence of the community. Important questions may be decided by one vote.

§ 2. It is to be presumed that the larger the number present, the more wisdom will be brought to bear on the subject under consideration; the less hasty and ill advised will be the proceedings, the more in accordance with the will of the majority and the welfare of the whole community, will be the action of the assembly. Hence, a majority of all the members should be necessary to form a quorum.†

§ 3. Business cannot be lawfully commenced without a quorum, nor can the proceedings go on, if at any time there be not a majority of members present.

§ 4. A less number, of a permanent assembly, than a quorum may send for the absent members, or adjourn from time to time, till a quorum be obtained.‡

\* Any assembly may make a rule that a smaller number than a majority shall constitute a quorum.

† No one should accept a public trust, unless there is a strong probability that he will be able to serve his constituents, by giving the business committed to his charge his personal attention and support.

‡ See Quorum, Sec. 3, Jeff. Man., page 150, this book.

Re. 1, Ho.  
Reps. p. 67.  
Const. U.  
S., Art. 1,  
Sec. 5, p. 11,  
this book.

Re. 126, Ho.  
Rep. p. 101.

Re. 65, Ho.  
Rep. p. 85.  
Re. 8, Sen.  
p. 126.

§ 5. No member should be permanently absent, from the services of the assembly, unless he have leave, or be sick, or unable to attend.

#### THE QUESTION.

§ 1. WHEN a member offers any subject for the consideration of an assembly, his proposal is called a motion; when the motion is stated by the presiding officer for acceptance or rejection, it is called a question; when the question is adopted, it becomes the judgment and act of the assembly, and is called its resolution or law.

Custom of  
Spkrs Ho.  
Reps.

§ 2. Whenever deliberation on any subject appears to be closed, the presiding officer should rise and say, "Is the assembly\* ready for the question?" And, after a momentary pause, unless interrupted, he proceeds to state the question, or calls on the secretary to read it,† and then takes the vote thereon.

Custom of  
Congress.

§ 3. Whenever it is reasonable to suppose that no objection will be made, the presiding officer may economize the time of the assembly, by dispensing with the formality of taking a vote, by saying, "If no objection be offered the report will be received." "The petition will be received."

\* Society, meeting, or convention, as the case may be.

† It will often occur that the question can only be stated by the presiding officer. The presentation of petitions; the reports of committees; the call for the *yeas* and *nays*, &c., are examples of this kind. In these cases the question should be, "shall the petition, or the report be received?" "It is moved and seconded that the *yeas* and *nays* be taken," &c.

“The secretary will read the paper.” “The gentleman from —, has leave to withdraw the motion,” &c.

Custom of Congress.

§ 4. In every instance of this kind, the consent of the assembly is taken for granted. If any one, immediately after a vote has been declared in this summary, but informal way, offers any objection, the presiding officer should say, “The question has been objected to.” It cannot be put unless regularly moved and seconded.

§ 5. An intelligent and skilful officer will cause an assembly to dispatch, in a proper manner, more business in one day, than an indolent or uninformed one would accomplish in thrice the time.

§ 6. In stating a question, the affirmative should always be put first. No member should vote who was not in the room at the time the question was put, but every one present then should vote, unless he has a direct personal or pecuniary interest in the question, or unless he is excused.

Re. 4, Hc.  
Reps. p. 67.  
Re. 40, Ho.  
Reps. p. 78.

Re. 42, Ho.  
Reps. p. 79.

#### THE YEAS AND NAYS.

§ 1. WHEN questions of great importance are before an assembly, the members should vote with the utmost care and deliberation. To secure wise legislation, and impress representatives with a due sense of responsibility to their constituents and to the Union, the framers of the CONSTITUTION of the United States, inserted a clause requiring both Houses of Congress to keep a record of the votes

Const., U.  
S., Art. 1,  
Sec. 4, page  
12.

of the members thereof, whenever desired by one-fifth of those present.\*

§ 2. This precaution was necessary, for in all the Parliamentary rules of England, which were generally adopted in the United States, no provision of the kind exists. This is a feature too republican in character to suit monarchical legislation, and it is a reason why CONGRESSIONAL rules should be followed instead of PARLIAMENTARY.

Re. 4, Ho.  
Reps. p. 67.

§ 3. Whenever any member calls for the *yeas* and *nays*, the presiding officer says, "There is a call for the *yeas* and *nays*; those in favor of the call will rise." If one-fifth of the members† rise, he says, "The *yeas* and *nays* are required. As many as are of the opinion that, [stating the question,] will [when their names are called,] answer *yea*; and as many as are of a contrary opinion, will answer *nay*." "The secretary will call the roll."

§ 4. After the names of all the members have been called, the secretary reads first the names of those in the affirmative, and then those in the negative, so that mistakes, if any, may be corrected. He then adds up the number on each side, and hands the result to the presiding officer.

\* The calling of the *yeas* and *nays* in the House of Representatives of the United States, occupies usually, when done in the most expeditious way, about one hour, and costs, at a moderate estimate, the Government five hundred dollars, on an average, every time the *yeas* and *nays* are called. Hence, it was judged best to fix the number as high as one-fifth of the members present.

† Or whatever number may be prescribed by the by-laws. If less than the required number should rise, he says the motion is lost.



## A SYNOPSIS OF ENGLISH LEGISLATION.

§ 1. PARLIAMENT is the Legislature of the United Kingdom of Great Britain and Ireland. It is composed of three branches, namely, the King or Queen, the House of Peers, and the House of Commons.

§ 2. The kingly office is hereditary, and forms the executive\* branch of the legislature. As head of the church, the king (or queen as the case may be) appoints all archbishops and bishops. All other titles of honor must also emanate from the crown.

§ 3. The house of peers† is also hereditary, and is composed of the lords spiritual, consisting of two archbishops, twenty-four English bishops, and four Irish representative bishops, with the lords temporal, consisting of twenty-four dukes, twenty marquises, one hundred and fourteen earls, twenty viscounts, two hundred and eleven barons, sixteen representative peers of Scotland, and twenty-eight representative peers of Ireland, making a total of four hundred and thirty-three.

§ 4. The House of Commons‡ consists of two hundred and fifty-three representatives of counties, who are known as knights of shires, and are required to have an annual income of two thousand six hundred and sixty-six dollars. There are also four

\* The corresponding office in the United States is the Presidential.

† The corresponding house in the United States is the Senate.

‡ The corresponding branch in the United States is the House of Representatives.

hundred and five representatives from cities and boroughs, who are each required to have an annual income of at least thirteen hundred and thirty-three dollars. Those representing cities are known as citizens, and those from boroughs as burgesses. Total in the house of commons, six hundred and fifty-eight.

§ 5. The privilege of voting is subject to various and intricate laws, owing to the position of the citizen, but in every case a voter must have his name registered in the place in which he resides. No one is permitted to vote who has less than two hundred dollars worth of real estate, or who does not pay rent for property worth at least eleven hundred dollars.

§ 6. The king convokes parliament, and at the beginning of each session delivers to both houses an address,\* stating the matters he wishes them to consider and act on, and until this is done neither house can proceed with any public business.

§ 7. On the assembling of a new parliament the Lord Chancellor† states that his majesty will, so soon as the members are sworn, declare the causes for calling this parliament. The House of Commons then proceed to elect their speaker, and all the members take the oath of office.

§ 8. Before any business is undertaken prayers

\* Corresponding to the message of the President of the United States.

† Who presides over the House of Peers. A Parliament continues for seven years, unless sooner dissolved by the crown, i. e. the members of the House of Commons are elected for the term of seven years. The peers, of course, hold their office for life.

are read; in the house of lords by a bishop, and in the commons by their chaplain. The former usually meet at five o'clock in the afternoon, the latter at four.

§ 9. Three members in the house of peers, and forty in the house of commons, make a quorum for the transaction of public business. When any question arises on which a difference of opinion is expressed, those in affirmative in the house of lords answer *content*, and those in the negative *non content*. In the house of commons the answer is *aye* and *no*.

§ 10. When the presiding officer cannot decide by the voices, which party has the majority, or when his decision is questioned, a division takes place. In the house of lords the *contents* or the *non-contents*, as the case may be, pass to the outside of the bar, leaving the other party in the house.

§ 11. A similar practice prevailed in the house of commons up to 1836. Since that time a new plan has been adopted which gives better satisfaction, because the party remaining in the house had an advantage in securing the votes of the "inattentive, the indifferent, and the indolent."

See Jeff. M.,  
last clause,  
p. 179, this  
book.

§ 12. There are two small halls at each end of the house; on a division the main room is entirely cleared, one party being sent to each hall. Two clerks are stationed at each of the entrances to the main hall, holding lists of the members in alphabetical order, printed on large sheets of paste-board, to avoid the delay of turning over pages.

§ 13. While the members are passing into the house again, the clerks place a mark against the names of each, and the tellers count the number. These sheets are sent to the printer, who sets up the marked names in their order; and the division lists are then printed the following morning, together with the votes and proceedings of the house.

§ 14. When matters of great interest are to be debated in the house of peers, the lords are summoned. In the house of commons an order is made that the roll be called, and the absent members are ordered to attend on a certain day.

§ 15. A peer has the right to make another lord of parliament his proxy, to vote for him in his absence, in all cases except in committee, or in the trial of another peer. He is also entitled, when a question is decided contrary to his sentiments, to record his opinion, and the reasons of it, by a protest in the journals, together with the names of all the peers who concur therein.

§ 16. All proposed laws must be introduced to the notice of parliament in the shape of bills which may originate in either house, unless they are for granting supplies, or unless they directly or indirectly involve the levying or appropriation of some tax, in which cases they must originate in the house of commons.\*

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\* See corresponding rule of the government of the United States, Sec. 7, page 14.



## NATURALIZATION.

§ 1. THE laws of Congress on the subject of naturalization have been frequently changed. The act of 1790 required only two years' previous residence. In 1795, the period was enlarged to five; and in 1798, to fourteen; but in 1802, it was reduced back to five years, and this act is still unaltered.

Foreigners  
naturalized.

§ 2. Foreigners, who move to this country, with the intention of making it their permanent residence, have many inducements to become citizens, since they are unable as aliens, to possess a permanent freehold interest in land, and are precluded from voting at the elections, or holding any civil office, or taking any active part in the administration of the government.

§ 3. Any white foreigner may obtain the privileges of a natural born citizen, by declaring, on oath, before any State court of record, having common law jurisdiction\* and a clerk; or before any circuit, or district court of the United States, or before a clerk of either, two years, at least, before his admission, his intention to become a citizen, and to renounce his native allegiance.

See Acts of  
Cong. 14th  
April, 1802,  
ch. 28.

The 3d of  
March, 1813,  
ch. 184.

And 22d of  
March, 1816,  
ch. 32.

§ 4. At the time of his admission, his country must be at peace with the United States, and he must, before one of the aforementioned courts, take an

See Acts of  
Con. 26 May,  
1824, ch. 180,  
and 24 May,  
1828, ch. 116.

\* The following is the form of the declaration: I, A — B —, do declare on oath, that it is *bonâ fide*, [i. e. in good faith, or in reality] my intention to become a citizen of the United States, and to renounce forever, all allegiance and fidelity to all and every foreign prince, potentate, state, and sovereignty whatever, and particularly to the king of —, of whom I was a subject.

oath\* to support the constitution of the United States, and likewise an oath† to renounce and abjure his native allegiance. He must, at the time of his admission, satisfy the court, that he has resided five years at least, within the United States, and one year at least in the State where the court is held, and he must satisfy the judges that during that time, he has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness thereof.‡

\* The following is the form: I, A — B —, do solemnly swear that I will support the constitution of the United States of America.

† I, A — B —, do absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, State, or sovereignty whatever, and particularly to — King — of —, of whom I was subject. A — B —.

Sworn in open court, the — day of —, 1852, before me.

L — W —, Judge.

‡ The children of Persons duly naturalized, being minors at that time, shall, if dwelling in the United States, be deemed citizens. The following is the form of a certificate of citizenship:

UNITED STATES OF AMERICA,  
State of —, County of —. }

Be it remembered, that on the — day of —, in the year of our Lord one thousand eight hundred and fifty —, A — B — appeared in the court, [which is a court of record having common law jurisdiction and a clerk and seal] and applied to the court aforesaid, to be admitted to citizenship of the United States of America, pursuant to the several acts of Congress for that purpose made and provided; and the said applicant having thereupon produced to the court such evidence, made such declaration and renunciation, and taken such oaths as are by the said acts required; thereupon it was ordered by the said court, that the said applicant be admitted, and he was accordingly admitted by the said court to be a citizen of the United States of America. In testimony whereof, the seal of the said court is hereunto affixed this — day of —, A. D. 185—, and in the — year of our Independence.

By order of the court,

S — T —, Clerk.

[Seal of the court.]

## A SYNOPSIS OF PROCEEDINGS IN ELECTIONS.

§ 1. As a general rule, all elections by the people should be held between the hours of nine A. M., and six P. M. There are usually three persons appointed to receive the tickets and see that none are illegally cast, or that none but those qualified, vote. These persons are known in different States by different titles. They are usually called inspectors or judges of the election. It is their duty to have a position that will enable them best to receive the tickets of the voters, and over or near the window, door, or place, at which the tickets are received, should be printed or written in legible characters, the name of the town, township, or ward.

§ 2. Every person claiming the right to vote at any election should, if required by the inspectors or judges, prove that he is a natural born citizen of the United States; or that having been an alien, he has been naturalized conformably to the laws of the United States. The only evidence required is the certificate of naturalization, under the seal of the court where his admission to citizenship took place. The names of all voters should [whenever circumstances will allow it] be registered in alphabetical order by the collector of taxes or some other officer, and be used as reference, when necessary, by the inspectors or judges.

§ 3. Every voter may deliver either written or printed tickets, but each ticket should be on a sepa-

rate piece of paper. Each inspector or judge, on receiving the ticket of a voter, should call out aloud his name, which should be entered by the clerk on a separate list, and the judge may insert the letter V opposite the name, in the regular alphabetical list. Tickets should be delivered personally by the voter, and ought never to be received by any other person, and should be immediately deposited in the ballot box, and there remain till the polls are closed. When the polls shall be closed, the box, or boxes, as the case may be, should be opened and the inspectors should take out the tickets and read aloud the name or names of the candidates written or printed thereon, and the clerk, or clerks, should carefully enter, as read, each ticket as it is taken from the box, and keep an account of the same on papers prepared for the purpose, so that the number of votes for each candidate tallied thereon, may be readily known.

§ 4. It is customary when more names are printed on a ticket than the law allows, or when two or more tickets have been improperly folded together to reject them entirely. But no ticket ought to be rejected which contains less than the required number of names. After the votes shall be counted, they should be returned to the ballot box, which ought to be bound round tight with tape and sealed by the judges of the election. The box with all the lists, tally papers, &c., should then be delivered to the nearest justice of the



peace, who should safely keep the same, for the proper tribunal in case of a contested election.

§ 5. It is then the duty of the judges to transmit within three days, the results of the election under seal to the clerk of the county court.

§ 6. After the votes given for any office shall have been read off and counted, the presiding judge, i. e., the one first named in the order of the appointment, should publicly declare the number of votes given for each candidate, and then the judges should make out a certificate under their hands and seal, and set forth the number of votes given for each of the several candidates.\*

\* A FORM OF ELECTION RETURNS.

At an election held on Wednesday, the — day of —, Anno Domini one thousand eight hundred and fifty —, at the — Hall, in the town of —, in the county of —, being the — election district in the county aforesaid, on closing the polls it appeared that the votes were cast for the following persons :

FOR GOVERNOR.

|                                                 |       |     |
|-------------------------------------------------|-------|-----|
| James —, had five hundred and eighty-six votes, | . . . | 586 |
| Joseph —, had two hundred and ninety-one votes, | . . . | 291 |

FOR REPRESENTATIVES IN CONGRESS.

|                                                |       |     |
|------------------------------------------------|-------|-----|
| Wm. C—, had five hundred and sixty votes,      | . . . | 560 |
| John —, had three hundred and seventeen votes, | . . . | 317 |

FOR STATE SENATOR.

|                                                   |       |     |
|---------------------------------------------------|-------|-----|
| Aaron —, had five hundred and ninety-seven votes, | . . . | 597 |
| Amos B—, had two hundred and eighty-four votes,   | . . . | 284 |

FOR HOUSE OF REPRESENTATIVES.

|                                                    |           |     |
|----------------------------------------------------|-----------|-----|
| Stephen —, had five hundred and eighty-five votes, | . . .     | 585 |
| Joshua L—, had two hundred and eighty-nine votes,  | . . .     | 289 |
| Scattering, three votes,                           | . . . . . | 3   |

And so on for town clerk, select men, or whatever may be the title of the officer.

In testimony whereof, we, the judges of the election for the said district, have hereunto set our hands and seals this — day of —, A. D. 185—.

THOMAS W. W—.

[SEAL.]

HIRAM O—.

[SEAL.]

BENJ. B—.

[SEAL.]

§ 7. It is usually the duty of the presiding judge of each election district, to take charge of the certificates aforementioned, and to produce the same at a general meeting of all the presiding judges of each election district of the county, at the court house the third day after the election [or in case the third occur on Sunday, the fourth day.] These judges, when assembled, should elect some one of their number as chairman, and also two suitable persons as clerks, who with the judges, are usually sworn to perform the duties of their office with honesty and fidelity.

§ 8. After the meeting is thus organized, the representative judges from each election district, should deliver the certificates of election of their respective districts to the president of the meeting, who should cause the clerks to add the number of votes which shall appear, by said certificates, to have been given for any candidate or candidates, in respect to each office. It is then the duty of the clerks to make out duplicate returns, which should be signed by all the judges present. The returns for governor and State senator, are generally directed to the State Senate; \*—a represen-

\* The following is the usual form :

*To the Hon. the Senate of the State of —*

The undersigned, judges of the election held in the several districts of the county of —, on the — inst., A. B., one of the judges of the first district ; C. D., one of the judges of the second district, and so on [one judge from each district according to the number of districts in the county] being assembled at the court house of the county aforesaid, and having carefully examined the returns of the several districts, and enumerated and added the votes therein contained, do cer-

tative in Congress, to the Governor;\* and a State representative, to the House of Representatives. It may be remarked that each State has its particular laws in reference to the qualifications of voters, and its peculiar manner of conducting elections, but the above forms, so far as they go, are adopted by most of the States in the Union.

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tify that at the said election, the votes for governor appeared as follows, viz:

For Wm. H——, five thousand votes, . . . . . 5,000

For O——C——, four thousand six hundred votes, . . . . . 4,600

In testimony whereof, we have hereunto set our hands and seal, &c.

\* Whose duty it is to give the representative his credentials to the House of Representatives of the United States.

Table I. exhibiting the Seats of Government, the Times of the Election of State Officers, and the Meeting of the Legislatures of Each State.

| States. | Seats of Government. | Times of Holding Elections. | Times of the Meeting of the Legislatures. |
|---------|----------------------|-----------------------------|-------------------------------------------|
| Maine,  | Augusta,             | 2d Monday in September,     | 2d Wednesday in Jan.                      |
| N. H.,  | Concord,             | 2d Tuesday in March,        | 1st Wednesday in June.                    |
| Vt.,    | Montpelier,          | 1st Tuesday in Sept.,       | 2d Thursday in Oct.                       |
| Mass.,  | Boston,              | 2d Monday in November,      | 1st Wednesday in Jan.                     |
| R. I.,  | Prv. & Newp't        | 1st Wednesday in April,     | 1st Tu. in May, last M. Oc.               |
| Conn.,  | Hart. & N. H.        | 1st Monday in April,        | 1st Wednesday in May.                     |
| N. Y.,  | Albany,              | Tu. after 1st Mon. in Nov.  | 1st Tuesday in January.                   |
| N. J.,  | Trenton,             | Tu. after 1st Mon. in Nov.  | 2d Tuesday in January.                    |
| Pa.,    | Harrisburg,          | 2d Tuesday in October,      | 1st Tuesday in January.                   |
| Del.,   | Dover,               | 2d Tuesday in Nov.,         | 1st Tues. in Jan., <i>bienn.*</i>         |
| Md.,    | Annapolis,           | 1st Wednesday in Nov.,      | 1st Wed. in Jan., <i>bienn.</i>           |
| Va.,    | Richmond,            | 4th Thursday in April,      | 1st Mon. in Dec., <i>bienn.</i>           |
| N. C.,  | Raleigh,             | 1st Thursday in August,     | 3d Mon. in Nov., <i>bienn.</i>            |
| S. C.,  | Columbia,            | 2d Monday in October,       | 4th Monday in Nov.                        |
| Ga.,    | Milledgeville,       | 1st Monday in October,      | 1st Mon. in Nov., <i>bienn.</i>           |
| Fla.,   | Tallahassee,         | 1st Monday in October,      | 1st Mon. in Nov., <i>bienn.</i>           |
| Ala.,   | Montgomery,          | 1st Monday in August,       | 2d Mon. in Nov., <i>bienn.</i>            |
| Miss.,  | Jackson,             | 1st Mon. and Tu. in Nov.,   | 1st Mon. in Jan., <i>bienn.</i>           |
| La.,    | Baton Rouge,         | 1st Monday in November,     | 3d Mon. in Jan., <i>bienn.</i>            |
| Texas,  | Austin,              | 1st Monday in August,       | December, <i>bienn.</i>                   |
| Ark.,   | Little Rock,         | 1st Monday in August,       | 1st Mon. in Nov., <i>bienn.</i>           |
| Mo.,    | Jefferson City,      | 1st Monday in August,       | Last Mon. in Dec., <i>bienn.</i>          |
| Iowa,   | Iowa City,           | 1st Monday in August,       | 1st Mon. in Dec., <i>bienn.</i>           |
| Tenn.,  | Nashville,           | 1st Thursday in August,     | 1st Mon. in Oct., <i>bienn.</i>           |
| Ky.,    | Frankfort,           | 1st Monday in August,       | 1st Monday in Dec.                        |
| Ohio,   | Columbus,            | 2d Tuesday in October,      | 1st Mon. in Jan., <i>bienn.</i>           |
| Ind.,   | Indianapolis,        | 1st Monday in August,       | Th. af. 1st Mon. in Jan., <i>bi.</i>      |
| Ill.,   | Springfield,         | Tu. after 1st Mon. in Nov.  | 2d Mon. in Jan., <i>bienn.</i>            |
| Wis.,   | Madison,             | Tu. after 1st Mon. in Nov.  | 1st Monday in January.                    |
| Mich.,  | Lansing,             | 1st Tuesday in November,    | 1st Monday in January.                    |
| Cal.,   | San José,            | Tu. after 1st Mon. in Nov.  | 1st Monday in January.                    |

\* Biennially, that is, every other year, or once in two years.



TABLE II.

Populat'n of cities over 8000  
in the U. S., with their  
decennial increase per ct.  
from 1830 to 1850.

|                                | Pop. of<br>1830. | Pop. of<br>1840. | Ratio of<br>increase. | Pop. of<br>1840. | Pop. of<br>1850. | Ratio of<br>increase. |
|--------------------------------|------------------|------------------|-----------------------|------------------|------------------|-----------------------|
| Bangor (Me.).....              | 2,867            | 8,627            | 200.9                 | 8,627            | 14,432           | 67.28                 |
| Portland.....                  | 12,593           | 15,213           | 20.79                 | 15,213           | 20,315           | 36.77                 |
| Augusta.....                   | 3,980            | 5,314            | 33.51                 | 5,314            | 8,225            | 54.77                 |
| Bath.....                      | 3,773            | 5,141            | 36.25                 | 5,141            | 8,020            | 56.                   |
| Manchester (N. H.).....        | 877              | 3,235            | 268.87                | 3,235            | 13,932           | 330.67                |
| Boston (Mass.).....            | 61,392           | 93,383           | 52.1                  | 93,383           | 136,871          | 46.56                 |
| Lowell.....                    | 6,474            | 20,796           | 221.22                | 20,796           | 33,383           | 60.52                 |
| Salem.....                     | 13,895           | 15,082           | 8.54                  | 15,082           | 20,264           | 34.35                 |
| Roxbury.....                   | 5,247            | 9,089            | 73.22                 | 9,089            | 18,364           | 102.04                |
| Charlestown.....               | 8,783            | 11,484           | 30.75                 | 11,484           | 17,216           | 49.91                 |
| Worcester.....                 | 4,173            | 7,497            | 79.65                 | 7,497            | 17,049           | 127.41                |
| New Bedford.....               | 7,592            | 12,087           | 59.2                  | 12,087           | 16,443           | 36.03                 |
| Cambridge.....                 | 6,072            | 8,409            | 38.48                 | 8,409            | 15,215           | 80.93                 |
| Lynn.....                      | 6,138            | 9,367            | 52.6                  | 9,367            | 14,257           | 52.2                  |
| Springfield.....               | 6,784            | 10,985           | 61.92                 | 10,985           | 11,766           | 7.1                   |
| Taunton.....                   | 6,042            | 7,645            | 26.53                 | 7,645            | 10,441           | 36.57                 |
| Providence (R. I.).....        | 16,833           | 23,171           | 37.65                 | 23,171           | 41,512           | 79.15                 |
| New Haven (Conn.).....         | 10,678           | 12,960           | 21.37                 | 12,960           | 20,345           | 56.98                 |
| Norwich.....                   | 5,161            | 7,239            | 40.26                 | 7,239            | 10,265           | 41.8                  |
| Hartford.....                  | 7,074            | 9,468            | 33.84                 | 9,468            | 13,555           | 43.16                 |
| New York city (N. Y.).....     | 197,112          | 312,710          | 58.64                 | 312,710          | 515,507          | 64.85                 |
| Brooklyn.....                  | 15,394           | 36,233           | 35.37                 | 36,233           | 96,538           | 167.26                |
| Albany.....                    | 24,209           | 33,721           | 39.29                 | 33,721           | 50,763           | 50.53                 |
| Buffalo.....                   | 8,668            | 18,213           | 110.11                | 18,213           | 42,261           | 132.03                |
| Rochester.....                 | 9,207            | 20,191           | 119.3                 | 20,191           | 36,403           | 80.29                 |
| Williamsburg.....              | 1,117            | 5,094            | 356.04                | 5,094            | 30,780           | 504.24                |
| Troy.....                      | 11,556           | 19,334           | 67.3                  | 19,334           | 28,785           | 48.88                 |
| Syracuse.....                  | 2,565            | 6,500            | 153.4                 | 6,500            | 22,271           | 242.6                 |
| Utica.....                     | 8,323            | 12,782           | 53.57                 | 12,782           | 17,565           | 37.41                 |
| Poughkeepsie.....              | 7,222            | 10,006           | 38.54                 | 10,006           | 13,944           | 39.35                 |
| Lockport.....                  | 3,823            | 9,125            | 138.68                | 9,125            | 12,323           | 35.04                 |
| Oswego.....                    | 2,703            | 4,665            | 72.58                 | 4,665            | 12,205           | 161.62                |
| Newburgh.....                  | 6,424            | 8,933            | 39.05                 | 8,933            | 11,415           | 27.78                 |
| Kingston.....                  | 4,170            | 5,824            | 39.66                 | 5,824            | 10,233           | 75.7                  |
| Newark (N. J.).....            | 10,953           | 17,290           | 57.85                 | 17,290           | 38,894           | 124.95                |
| Paterson.....                  | .....            | 7,596            | .....                 | 7,596            | 11,338           | 49.26                 |
| New Brunswick.....             | 7,831            | 8,663            | 10.62                 | 8,663            | 13,387           | 54.53                 |
| Phila. city and co. (Pa.)..... | 188,797          | 258,037          | 36.67                 | 258,037          | 408,762          | 58.41                 |
| Pittsburg.....                 | 12,568           | 21,115           | 68.                   | 21,115           | 46,601           | 120.7                 |
| Alleghany.....                 | 2,801            | 10,089           | 260.19                | 10,089           | 21,261           | 110.73                |
| Reading.....                   | 5,856            | 8,410            | 43.61                 | 8,410            | 15,748           | 87.25                 |
| Lancaster.....                 | 7,704            | 8,417            | 9.25                  | 8,417            | 12,365           | 46.9                  |
| Wilmington (Del.).....         | 6,628            | 8,367            | 26.                   | 8,367            | 13,979           | 67.7                  |
| Baltimore (Md.).....           | 80,620           | 102,313          | 26.9                  | 102,313          | 169,054          | 65.23                 |
| Washington (D. C.).....        | 18,826           | 23,364           | 24.1                  | 23,364           | 40,001           | 71.2                  |
| Richmond (Va.).....            | 6,055            | 20,153           | 232.83                | 20,153           | 27,482           | 36.36                 |
| Norfolk.....                   | 9,814            | 10,920           | 11.26                 | 10,920           | 14,326           | 31.19                 |
| Petersburg.....                | 8,322            | 11,136           | 33.81                 | 11,136           | 14,010           | 25.8                  |
| Wheeling.....                  | 5,276            | 7,885            | 49.45                 | 7,885            | 11,391           | 44.46                 |
| Charleston (S. C.).....        | 30,289           | 29,261           | dec. 3.39             | 29,261           | 42,985           | 46.9                  |
| Savannah (Ga.).....            | 7,302            | 11,214           | 53.57                 | 11,214           | 16,000           | 43.21                 |
| Mobile (Ala.).....             | 3,194            | 12,672           | 296.74                | 12,672           | 20,513           | 61.87                 |
| New Orleans (La.).....         | 49,826           | 102,193          | 105.09                | 102,193          | 119,461          | 16.89                 |
| Lafayette.....                 | .....            | 3,207            | .....                 | 3,207            | 14,190           | 342.46                |
| Memphis (Tenn.).....           | .....            | 2,026            | .....                 | 2,026            | 8,839            | 336.27                |
| Nashville.....                 | 5,566            | 6,929            | 24.48                 | 6,929            | 10,478           | 51.21                 |
| Louisville (Ky.).....          | 10,341           | 21,210           | 105.1                 | 21,210           | 43,196           | 103.65                |
| Cincinnati (Ohio).....         | 24,831           | 46,338           | 86.61                 | 46,338           | 115,436          | 149.11                |
| Columbus.....                  | 2,435            | 6,048            | 148.37                | 6,048            | 17,883           | 195.68                |
| Cleveland.....                 | 1,076            | 6,071            | 464.21                | 6,071            | 17,034           | 180.57                |
| Dayton.....                    | 2,950            | 6,067            | 105.66                | 6,067            | 10,977           | 80.92                 |
| Madison (Ind.).....            | 2,500            | 3,798            | 51.                   | 3,798            | 8,005            | 110.76                |
| Chicago (Ill.).....            | None             | 4,470            | .....                 | 4,470            | 29,963           | 570.31                |
| Detroit (Mich.).....           | 2,222            | 9,102            | 309.63                | 9,102            | 21,019           | 130.92                |
| St. Louis (Mo.).....           | 4,977            | 16,469           | 230.9                 | 16,469           | 77,860           | 372.76                |
| Milwaukee (Wis.).....          | .....            | 1,712            | .....                 | 1,712            | 20,061           | 1071.78               |

TABLE III. *Exhibiting the number of Dwellings, Families, White Males, Slaves, Deaths, Farms, Manufacturing Establishments, Federal Re-*

| STATES.   | Dwellings. | Families. | White males. | White Females. | Colored Males. | Colored Females. |
|-----------|------------|-----------|--------------|----------------|----------------|------------------|
| Maine,    | 95,797     | 103,787   | 296,635      | 285,128        | 705            | 620              |
| N. H.     | 57,389     | 62,287    | 155,902      | 161,487        | 243            | 232              |
| Vt.       | 56,327     | 58,475    | 159,374      | 153,528        | 366            | 343              |
| Mass.     | 152,835    | 192,679   | 484,284      | 501,420        | 4,314          | 4,481            |
| R. I.     | 22,379     | 28,216    | 70,417       | 73,583         | 1,660          | 1,884            |
| Conn.     | 64,013     | 73,448    | 180,001      | 183,304        | 3,749          | 3,737            |
| N. Y.     | 473,956    | 566,862   | 1,545,052    | 1,504,405      | 22,998         | 24,939           |
| N. J.     | 81,064     | 89,080    | 233,746      | 232,494        | 11,542         | 11,551           |
| Pa.       | 386,292    | 408,421   | 1,142,863    | 1,115,600      | 25,057         | 28,266           |
| Del.      | 15,209     | 15,439    | 35,771       | 35,518         | 8,989          | 8,968            |
| Md.       | 81,708     | 87,384    | 211,495      | 207,095        | 34,914         | 39,163           |
| D. of C.  | 7,917      | 8,292     | 18,548       | 19,479         | 4,210          | 5,763            |
| Va.       | 165,797    | 167,512   | 451,510      | 443,726        | 25,843         | 27,986           |
| N. C.     | 105,542    | 106,023   | 272,789      | 280,506        | 13,226         | 13,970           |
| S. C.     | 52,642     | 52,937    | 137,773      | 136,850        | 4,110          | 4,790            |
| Ga.       | 91,011     | 91,471    | 266,096      | 255,342        | 1,368          | 1,512            |
| Florida,  | 9,022      | 9,107     | 25,674       | 21,493         | 420            | 505              |
| Ala.      | 73,070     | 73,786    | 219,728      | 206,779        | 1,047          | 1,225            |
| Miss.*    | 77,699     | 78,103    | 145,775      | 145,761        | 491            | 407              |
| La.       | 49,101     | 54,112    | 141,059      | 114,357        | 7,598          | 9,939            |
| Texas,    | 27,998     | 28,377    | 84,863       | 69,237         | 171            | 160              |
| Ark.      | 28,252     | 28,416    | 85,699       | 76,369         | 318            | 271              |
| Tenn.     | 129,420    | 130,005   | 382,270      | 37,427         | 3,072          | 3,191            |
| Ky.       | 130,769    | 132,920   | 392,840      | 368,848        | 4,771          | 4,965            |
| Ohio,     | 336,098    | 348,523   | 1,004,111    | 951,997        | 12,239         | 12,061           |
| Indiana,  | 170,185    | 171,564   | 506,400      | 471,205        | 5,472          | 5,316            |
| Illinois, | 146,544    | 149,153   | 445,644      | 400,460        | 2,756          | 2,610            |
| Mo.       | 96,849     | 100,890   | 312,986      | 279,091        | 1,338          | 1,206            |
| Iowa,     | 32,962     | 33,517    | 100,885      | 90,994         | 168            | 167              |
| Wis.      | 56,117     | 57,319    | 163,806      | 139,794        | 365            | 261              |
| Mich.     | 71,616     | 72,611    | 208,471      | 186,626        | 1,412          | 1,145            |
| Cal.*     | 25,000     | 47,987    | 158,000      | 41,000         | 800            | 200              |
| Min. T.   | 1,102      | 1,016     | 3,695        | 2,343          | 21             | 18               |
| N. Mex.   | 13,453     | 13,502    | 31,706       | 29,782         | 14             | 3                |
| U. T.*    | 2,000      | 3,000     | 16,000       | 8,500          | 300            | 200              |
| Or.       | 2,374      | 2,374     | 8,142        | 4,945          | 119            | 87               |

\* Estimated. The returns at the Census Office being incomplete.—The above tables script at the Census Bureau, and are probably published six or eight months in ad-

*White Females, Colored Males, Colored Females, Total Free Population, presentative Population, Total Population.*

| <i>Total Free Population.</i> | <i>Slaves.</i> | <i>Deaths.</i> | <i>Farms.</i> | <i>Manuf. Estab.</i> | <i>Federal Rep. Population.</i> | <i>Total Pop.</i> |
|-------------------------------|----------------|----------------|---------------|----------------------|---------------------------------|-------------------|
| 583,088                       | 000,000        | 7,545          | 46,760        | 1,682                | 583,088                         | 583,088           |
| 317,864                       | 000,000        | 4,268          | 29,229        | 3,301                | 317,864                         | 317,864           |
| 313,611                       | 000,000        | 3,130          | 29,687        | 1,835                | 313,611                         | 313,611           |
| 994,499                       | 000,000        | 19,414         | 34,235        | 9,637                | 994,499                         | 994,499           |
| 147,544                       | 000,000        | 2,241          | 5,385         | 1,144                | 147,544                         | 147,544           |
| 370,791                       | 000,000        | 5,781          | 22,445        | 3,913                | 370,791                         | 370,791           |
| 3,097,394                     | 000,000        | 44,339         | 170,621       | 23,823               | 3,097,394                       | 3,097,394         |
| 489,333                       | 222            | 6,467          | 23,905        | 4,374                | 489,466                         | 489,555           |
| 2,311,786                     | 000,000        | 28,318         | 127,577       | 22,036               | 2,311,786                       | 2,311,786         |
| 89,246                        | 2,289          | 1,209          | 6,063         | 513                  | 90,619                          | 89,246            |
| 492,667                       | 90,368         | 9,594          | 21,860        | 3,863                | 546,887                         | 583,035           |
| 48,000                        | 3,687          | 846            | 264           | 427                  | No Delegate.                    | 51,687            |
| 949,065                       | 472,461        | 19,053         | 77,013        | 4,433                | 1,234,541                       | 1,421,526         |
| 580,491                       | 288,412        | 10,207         | 56,916        | 2,523                | 753,538                         | 868,903           |
| 293,523                       | 384,984        | 7,997          | 29,969        | 1,473                | 514,513                         | 668,507           |
| 524,318                       | 381,681        | 9,920          | 51,759        | 1,407                | 753,326                         | 905,999           |
| 48,092                        | 39,309         | 933            | 4,304         | 121                  | 76,947                          | 87,401            |
| 428,779                       | 342,892        | 9,804          | 41,964        | 1,022                | 634,514                         | 771,671           |
| 282,434                       | 300,419        | 10,016         | 27,897        | 1,389                | 472,685                         | 592,853           |
| 272,953                       | 239,021        | 11,948         | 13,424        | 1,021                | 416,365                         | 511,974           |
| 154,431                       | 58,161         | 3,046          | 12,198        | 307                  | 189,327                         | 212,592           |
| 162,657                       | 46,982         | 2,987          | 17,758        | 271                  | 190,846                         | 209,639           |
| 763,164                       | 239,461        | 11,759         | 72,710        | 2,789                | 906,840                         | 992,625           |
| 771,424                       | 210,981        | 15,206         | 74,777        | 3,471                | 898,012                         | 982,405           |
| 1,980,408                     | 000,000        | 28,949         | 143,887       | 10,550               | 1,980,408                       | 1,980,408         |
| 988,416                       | 000,000        | 12,728         | 93,865        | 4,326                | 988,416                         | 988,416           |
| 851,470                       | 000,000        | 11,619         | 76,208        | 3,099                | 851,470                         | 851,470           |
| 594,621                       | 87,422         | 12,211         | 54,458        | 3,030                | 647,074                         | 672,043           |
| 192,214                       | 000,000        | 2,044          | 14,085        | 482                  | 192,214                         | 192,214           |
| 304,226                       | 000,000        | 2,884          | 20,177        | 1,273                | 304,226                         | 304,226           |
| 397,654                       | 000,000        | 4,520          | 34,089        | 1,979                | 397,654                         | 397,654           |
| 200,000                       | 000,000        | 15,000         | 3,000         | 50                   | 200,000                         | 200,000           |
| 6,077                         | 000,000        | 30             | 157           | 5                    | 6,077                           | 6,077             |
| 61,505                        | 000,000        | 1,157          | 3,750         | 20                   | 61,505                          | 61,505            |
| 25,000                        | 500            | 1,000          | 4,000         | 30                   | 25,300                          | 25,500            |
| 13,293                        | 000,000        | 47             | 1,164         | 51                   | 13,293                          | 13,293            |

have cost much labor and expense. They have been copied from the original manuscript of the Government.



TABLE IV. *Exhibiting the Agricultural Productions, Value of to the Census of 1850.* [Ratio of representation, one for every

| STATES.      | Acres of land improved. | Value of farming implements, &c. | Value of live stock. | Bushels of wheat. |
|--------------|-------------------------|----------------------------------|----------------------|-------------------|
| Maine.....   | 2,019,593               | \$2,363,517                      | \$9,831,488          | 367,980           |
| N. H. ....   | 2,251,388               | 2,314,125                        | 8,871,901            | 185,658           |
| Vermont..    | 2,322,923               | 2,774,959                        | 11,292,748           | 493,666           |
| Mass.....    | 2,127,924               | 3,173,809                        | 9,619,964            | 29,784            |
| R. I.....    | 337,672                 | 473,385                          | 1,466,636            | 39                |
| Conn. ....   | 1,734,277               | 2,043,026                        | 7,353,996            | 40,167            |
| N. York...   | 12,285,077              | 22,217,563                       | 74,672,356           | 13,073,357        |
| N. Jersey    | 1,770,337               | 4,267,124                        | 10,678,264           | 1,508,216         |
| Penn'a....   | 8,619,631               | 14,931,993                       | 42,146,711           | 15,482,191        |
| Delaware     | 524,364                 | 471,385                          | 1,718,386            | 466,784           |
| Maryland     | 2,797,905               | 2,463,443                        | 7,997,634            | 4,494,680         |
| D. of C....  | 17,083                  | 40,220                           | 71,573               | 17,370            |
| Virginia...  | 10,150,106              | 7,021,658                        | 33,607,952           | 14,516,950        |
| N. Ca. ....  | 5,443,137               | 4,056,006                        | 17,837,108           | 2,147,899         |
| S. Ca. ....  | 4,074,855               | 4,143,709                        | 15,060,015           | 1,066,278         |
| Georgia...   | 6,323,426               | 5,901,050                        | 25,727,408           | 1,085,784         |
| Florida ...  | 349,423                 | 675,885                          | 2,945,668            | 1,225             |
| Alabama..    | 4,387,088               | 5,066,814                        | 31,558,686           | 292,429           |
| Miss.....    | 3,489,640               | 5,759,738                        | 19,303,593           | 215,181           |
| Louisiana    | 1,567,998               | 11,326,310                       | 10,983,508           | 84                |
| Texas.....   | 635,913                 | 2,095,308                        | 10,263,086           | 42,448            |
| Arkansas.    | 780,333                 | 1,594,941                        | 6,728,254            | 193,902           |
| Tennessee    | 5,087,057               | 5,351,178                        | 29,134,193           | 1,638,470         |
| Kentucky     | 6,068,633               | 5,388,092                        | 29,898,386           | 2,184,763         |
| Ohio .....   | 9,730,650               | 12,716,153                       | 43,276,187           | 14,967,056        |
| Michigan.    | 1,923,582               | 2,764,171                        | 8,005,429            | 4,918,706         |
| Indiana...   | 5,019,822               | 6,748,722                        | 22,398,965           | 6,625,474         |
| Illinois.... | 5,114,041               | 6,349,826                        | 24,817,954           | 9,433,965         |
| Missouri...  | 2,911,422               | 3,977,449                        | 19,764,672           | 2,943,840         |
| Iowa.....    | 814,173                 | 1,202,978                        | 3,602,769            | 1,442,074         |
| Wisconsin    | 1,011,308               | 1,701,047                        | 4,594,717            | 4,292,208         |
| California.  | 34,312                  | 88,593                           | 3,456,725            | 98,282            |
| Minnesota    | 5,035                   | 15,981                           | 103,859              | 3,422             |
| Oregon....   | 135,357                 | 183,403                          | 1,875,989            | 228,882           |
| Utah.....    | 15,219                  | 78,495                           | 533,951              | 103,441           |
| N. Mex....   | 161,296                 | 78,217                           | 1,504,497            | 196,575           |
| Total...     | 112,042,000             | 151,820,273                      | 552,705,238          | 104,799,230       |



*Stock, and the Representatives in Congress, of each State, according  
93,716 inhabitants.]*

| Bushels of Indian<br>corn. | Wool, pounds of. | Flaxseed,<br>bushels of. | Maple sugar, pounds<br>of. | Hay, tons of. | Reps. |
|----------------------------|------------------|--------------------------|----------------------------|---------------|-------|
| 1,741,715                  | 1,366,866        | 362                      | 87,541                     | 794,780       | 6     |
| 1,573,670                  | 1,108,476        | 94                       | 1,292,429                  | 598,854       | 3     |
| 1,625,776                  | 3,492,087        | 307                      | 5,159,641                  | 763,579       | 3     |
| 2,326,167                  | 576,736          | 72                       | 768,596                    | 645,749       | 11    |
| 516,133                    | 111,937          | None.                    | None.                      | 73,353        | 2     |
| 1,996,462                  | 512,529          | 9,775                    | 37,781                     | 499,706       | 4     |
| 17,844,808                 | 10,021,507       | 53,824                   | 10,310,764                 | 3,714,734     | 33    |
| 8,605,396                  | 375,932          | 12,353                   | 5,886                      | 429,119       | 5     |
| 19,707,702                 | 4,784,367        | 43,627                   | 2,218,644                  | 1,826,265     | 25    |
| 2,888,896                  | 52,887           | 838                      | None.                      | 30,159        | 1     |
| 11,104,631                 | 477,438          | 2,816                    | 47,740                     | 145,070       | 6     |
| 65,280                     | None.            | None.                    | None.                      | 1,974         | 0     |
| 35,538,582                 | 2,850,909        | 53,333                   | 1,223,905                  | 370,177       | 13    |
| 28,286,999                 | 915,289          | 38,183                   | 27,448                     | 145,180       | 8     |
| 16,272,308                 | 487,243          | 11                       | 200                        | 25,427        | 5     |
| 30,428,540                 | 988,802          | 585                      | 50                         | 23,427        | 8     |
| 1,993,462                  | 23,235           | None.                    | None.                      | 2,620         | 1     |
| 28,485,966                 | 637,829          | 54                       | 473                        | 31,801        | 7     |
| 21,836,154                 | 556,057          | 21                       | 110                        | 12,517        | 5     |
| 10,915,051                 | 105,393          | None.                    | 260                        | 20,672        | 4     |
| 5,796,735                  | 122,118          | 16                       | None.                      | 8,327         | 2     |
| 8,857,296                  | 181,427          | 695                      | 8,825                      | 3,924         | 2     |
| 52,137,863                 | 1,340,833        | 19,405                   | 159,647                    | 72,942        | 10    |
| 58,922,788                 | 2,246,168        | 80,458                   | 388,525                    | 115,296       | 10    |
| 59,788,750                 | 10,089,607       | 185,598                  | 4,521,643                  | 1,360,636     | 21    |
| 5,620,215                  | 2,047,364        | 1,186                    | 2,423,897                  | 394,717       | 2     |
| 52,887,564                 | 2,502,763        | 35,803                   | 2,921,638                  | 402,791       | 11    |
| 57,179,283                 | 2,129,139        | 11,873                   | 246,078                    | 586,011       | 9     |
| 35,709,042                 | 1,635,182        | 13,439                   | 171,943                    | 116,284       | 7     |
| 8,475,027                  | 363,398          | 2,182                    | 70,680                     | 84,598        | 2     |
| 1,983,378                  | 243,065          | 834                      | 661,969                    | 295,927       | 3     |
| 90,082                     | 4,800            | None.                    | None.                      | 2,038         | 2     |
| 16,665                     | 260              | "                        | 2,950                      | 2,069         | 0     |
| 2,928                      | 29,596           | "                        | None.                      | 373           | 0     |
| 9,144                      | 8,897            | 5                        | "                          | 4,288         | 0     |
| 355,795                    | 32,641           | None.                    | "                          | None.         | 0     |
| 591,586,053                | 52,422,797       | 567,749                  | 32,759,263                 | 13,605,384    | 233   |

TABLE V. *Exhibiting the Agricultural Productions, Number of Deaths, &c., according to the Census of 1850.*

| STATES.      | Butter, pounds of. | Cheese, pounds of. | Gallons of wine. | No. of deaths. | Ratio to the living. |
|--------------|--------------------|--------------------|------------------|----------------|----------------------|
| Maine .....  | 8,488,234          | 2,201,105          | 306              | 7,545          | 77.29                |
| N. H. ....   | 6,977,056          | 3,196,563          | 35               | 4,268          | 74.49                |
| Vermont..    | 12,128,095         | 6,755,006          | 140              | 3,132          | 100.13               |
| Mass.....    | 7,825,337          | 7,124,461          | 4,122            | 19,414         | 51.23                |
| R. I. ....   | 1,066,625          | 296,748            | 842              | 2,241          | 65.83                |
| Conn. ....   | 6,620,579          | 4,512,019          | 3,346            | 5,781          | 64.13                |
| N. York...   | 82,043,823         | 49,785,905         | 6,483            | 44,339         | 69.85                |
| N. Jersey    | 9,070,710          | 500,819            | 517              | 6,467          | 75.70                |
| Penn'a....   | 40,554,741         | 2,395,279          | 23,839           | 28,318         | 81.63                |
| Delaware     | 1,034,867          | 3,187              | 85               | 1,209          | 75.71                |
| Maryland     | 4,206,160          | 3,925              | 2,099            | 9,594          | 60.77                |
| D. of C....  | 14,869             | None.              | 863              | 846            | 61.09                |
| Virginia...  | 11,126,795         | 434,850            | 4,280            | 19,053         | 74.61                |
| N. Ca. ....  | 4,144,258          | 95,043             | 10,801           | 10,207         | 85.12                |
| S. Ca. ....  | 2,979,975          | 4,810              | 3,680            | 7,997          | 83.59                |
| Georgia...   | 4,640,074          | 46,391             | 664              | 9,920          | 91.33                |
| Florida ...  | 375,853            | 18,324             | 10               | 933            | 93.67                |
| Alabama..    | 3,961,592          | 30,423             | 14               | 9,084          | 84.94                |
| Miss.....    | 4,388,112          | 20,314             | 301              | 8,711          | 69.63                |
| Louisiana    | 685,136            | 1,148              | None.            | 11,948         | 42.85                |
| Texas.....   | 2,319,574          | 92,018             | 94               | 3,046          | 69.79                |
| Arkansas.    | 1,854,104          | 28,440             | 10               | 2,987          | 70.18                |
| Tennessee    | 8,130,686          | 179,577            | 204              | 11,759         | 85.34                |
| Kentucky     | 10,115,267         | 228,744            | 4,202            | 15,206         | 64.60                |
| Ohio .....   | 34,180,458         | 21,350,478         | 44,834           | 28,949         | 68.41                |
| Michigan.    | 7,043,794          | 1,012,551          | 1,443            | 4,520          | 88.19                |
| Indiana...   | 12,748,186         | 666,986            | 13,004           | 12,728         | 77.65                |
| Illinois.... | 12,605,554         | 1,283,758          | 2,343            | 11,619         | 73.28                |
| Missouri...  | 7,762,124          | 201,597            | 10,193           | 12,211         | 55.81                |
| Iowa.....    | 1,933,128          | 198,444            | 420              | 2,044          | 94.03                |
| Wisconsin    | 888,816            | 440,961            | 68               | 2,884          | 105.82               |
| California.  | 705                | 150                | None.            | Unkn.          | Unkn.                |
| Minnesota    | 1,100              | None.              | "                | 30             | 202.56               |
| Oregon....   | 211,734            | 36,030             | "                | 47             | 282.82               |
| Utah.....    | 74,064             | 32,646             | "                | 239            | 47.61                |
| N. Mex...    | 101                | 5,887              | 2,053            | 1,157          | 53.15                |
| Total...     | 312,202,286        | 103,184,585        | 141,295          |                |                      |

TABLE VI. *Official Synopsis of the Census of Great Britain.* [Taken March 31st, 1851.]

|                       | HOUSES.    |              |           | POPULATION. |            |             |
|-----------------------|------------|--------------|-----------|-------------|------------|-------------|
|                       | Inhabited. | Uninhabited. | Building. | Males.      | Females.   | Total.      |
| England and Wales     | 3,280,961  | 152,898      | 26,534    | 8,762,588   | 9,160,180  | 17,922,768  |
| Scotland.....         | 366,650    | 11,956       | 2,378     | 1,363,622   | 1,507,162  | 2,870,784   |
| Isles in British seas | 21,826     | 1,077        | 202       | 6,651       | 76,405     | 142,916     |
| Total.....            | 3,669,437  | 165,931      | 29,114    | 10,192,721  | 10,743,747 | 20,936,468* |
| Ireland (1851) .....  | 1,047,739  | 65,159       | 2,113     | 3,176,727   | 3,339,067  | 6,515,794   |
| “ (1841) .....        | 1,328,839  | 52,208       | 3,313     | 4,019,576   | 4,155,548  | 8,176,727   |
| Decrease in 10 y'rs   | 281,900    | 12,951†      | 1,200     | 842,849     | 816,481    | 1,660,933   |

## POPULATION AT VARIOUS PERIODS.

|                                 | 1801       | 1811       | 1821       | 1831       | 1841       | 1851       |
|---------------------------------|------------|------------|------------|------------|------------|------------|
| England, Scotl'd }<br>and Wales | 10,567,893 | 12,047,455 | 14,180,351 | 16,364,893 | 18,658,372 | 20,936,468 |
| Inc. for 10 years .....         |            | 1,479,562  | 2,132,896  | 2,184,542  | 2,260,749  | 2,227,438  |
| Per ct. for 10 years .....      |            | 14         | 18         | 15         | 14         | 12         |

## POPULATION OF THE UNITED STATES AT SIMILAR PERIODS.

|                                 | 1790      | 1800      | 1810      | 1820       | 1830       | 1840 |
|---------------------------------|-----------|-----------|-----------|------------|------------|------|
| 3,929,827                       | 5,305,940 | 7,239,814 | 9,638,191 | 12,866,020 | 17,068,666 |      |
| Inc. per ct. }<br>in 10 years } | 35        | 36½       | 33        | 33½        | 32         |      |

## THE PROMINENT POWERS OF EUROPE CONTRASTED.

|                    | Population. | No. of men in army. | Debt.‡          | Taxes paid to support army, &c. | Yearly income of all the people. | Av. tax for each person. |
|--------------------|-------------|---------------------|-----------------|---------------------------------|----------------------------------|--------------------------|
| Gr. Brit. & Irel'd | 27,452,262  | 129,000             | \$3,333,333,333 | 250,000,000                     | 2,750,000,000                    | \$9                      |
| France .....       | 36,000,000  | 265,000             | 886,666,666     | 335,000,000                     | 1,600,000,000                    | 91¼                      |
| Russia .....       | 70,000,000  | 700,000             | 488,666,666     | 550,000,000                     | Unknown                          | 61½                      |
| Austria .....      | 37,000,000  | 500,000             | 733,333,333     | 500,000,000                     | “                                | 13                       |
| Turkey .....       | 12,500,000  | 220,000             | 266,666,666     | 75,000,000                      | “                                | 6                        |
| Spain .....        | 13,000,000  | 160,000             | 866,666,666     | 400,000,000                     | “                                | 30                       |

\* Persons in the army, the navy, and the merchant vessels, and out of the country when the census was taken, 167,604.

† Increase of uninhabited houses.

‡ The whole debt of all the powers of Europe is about ten billions of dollars, (which has been incurred to sustain the wars of kings and emperors.) This gives an average, for each family of five persons, of nearly \$200. [See page 312.]

§ The amounts in this column go to the annual support of the army and government, and not to pay the national debt. The Englishman pays an annual tax to support the army, &c., to the amount of one-eleventh of all his income; while the Frenchman, for the same purposes, pays one-fifth. The yearly income from the productive industry of the 36,000,000 of people in France is but little more than half that of the 27,000,000 in Great Britain. In England there are 630,721 voters; in Wales, 37,924; in Scotland, 72,720; and in Ireland, 98,006. In France there are only 250,000 voters. In England, one person out of every 26 is a voter; in Wales, 1 to 23; in Scotland, 1 to 38; and in Ireland, 1 to 81. In France, there is only 1 voter to 137 persons. In the United States, there is 1 voter to 7 persons.





## APPENDIX.\*

*Brief directions to youth, and those inexperienced, who wish to establish and conduct properly Literary and Debating Societies.*

When you intend to write or speak on any subject, endeavor to obtain all possible information pertaining to the same, both by reading and inquiry, and strive to keep in mind the five following rules for THINKING THEREON :

1. Endeavor to reason clearly and concisely on each part of the subject, and all matters pertaining thereto.
2. Think connectedly of each part with reference to the whole subject.
3. View all the parts of the subject in their most extensive and varied applications.
4. Examine the subject in all its relations and bearings with other subjects of a similar nature.
5. Arrange all your thoughts on the subject in a proper method, and in a just order, so that others may easily understand and remember your observations.

The following RULES OF METHOD, in arranging a composition, will be found useful to the young or inexperienced.

1. "Use great care and caution in laying the foundations of a discourse, and carefully digest your thoughts upon the subject.
2. Let your primary and fundamental propositions be not only evident and true, but make them familiar to your mind.
3. Draw up all your propositions and arguments with much caution, and express your ideas with exact limitation, so as to preclude objections.
4. Begin with those things which are best known, and most obvious, and proceed by regular and easy steps to things that are more difficult, so that your auditors or readers may attend without fatigue.
5. Do not crowd too many thoughts and reasonings into one sentence or paragraph, so as to exceed the capacity of those you address.
6. Avoid too many subdivisions; yet divide every complicated theme into its distinct parts, as far as the nature of the subject and your design require.
7. Arrange every idea, proposition, and argument in its proper class, and keep each part of the subject in its own place.

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\* This Appendix contains an outline for assisting youth, and those inexperienced, in conducting discussions and preparing lectures.

8. Never prove those things which need no proof, and do not suffer every occasional and incidental thought to induce you to digress or wander from the subject."

METHOD is Analytical or Synthetical:

1. "The Analytical method resolves the compound into its principles, and the whole into its parts.

2. The Synthetical method begins with the parts and leads to a whole, or it puts together the principles and forms a compound.

All Arguments are termed either metaphysical, physical, political, moral, mechanical, or theological, according to the science or subject from which they are drawn.

The Argumentum ad judicium is an appeal to the common sense of mankind.

The Argumentum ad fidem is an appeal to our faith.

The Argumentum ad hominem is an appeal to the practices or professed principles of our opponent.

The Argumentum ad populum is an appeal to the people.

The Argumentum ex concessio is when something is proved by means of another proposition previously conceded.

The Argumentum ad passiones is an appeal to the passions."

#### RHETORICAL ARRANGEMENT.

THE arguments of every discourse, or oration, or composition, should be properly classified and arranged.

The parts of a discourse are sometimes five, and sometimes six, viz. the Exordium, the Narration, the Proposition, the Confirmation, the Refutation,\* and the Peroration.

1. *The Exordium.* In the Exordium, or beginning of a discourse, the writer or speaker gives some intimation of his subject, and solicits favor and attention. In this part he ought to be clear and modest; and whatever is trifling, tedious, and prolix, should be avoided.

2. *The Narration.* The Narration is a brief recital of the facts connected with the case from the beginning to the end. This part of a discourse ought to be plain and perspicuous, that it may be understood; and probable and consistent, that it may be believed.

3. *The Proposition.* In this part is given the true state of the question, specifying the points maintained, and those in which the writer or speaker differs from the adversary. Here also the several heads should be enumerated.

4. *The Confirmation.* The Confirmation assembles all the proofs and arguments which can be adduced. The strongest are to begin and to end this part, and the weakest are to come in the middle.

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\* This division properly applies to forensic discussions.

5. *The Refutation.\** In the Refutation, the writer or speaker answers the arguments and objections of his opponent, showing them to be absurd, false, trifling, irrelevant, or inconsistent, as the case may be.

6. *The Peroration, or Conclusion.* In the Peroration, he sums up the strongest and principal arguments, and endeavors also to excite the passions in his favor.

#### EXAMPLE OF AN ORATION DIVIDED INTO PARTS.

*Address of St Paul to Agrippa, Acts xxvi. 2.*

##### EXORDIUM.

I think myself happy, King Agrippa, because I shall answer for myself this day before thee, touching all the things whereof I am accused by the Jews: especially because I know thee to be expert in all customs and questions which are among the Jews: wherefore I beseech thee to hear me patiently.

##### NARRATION.

My manner of life from my youth, which was at first among mine own nation at Jerusalem, know all the Jews, which knew me from the beginning (if they would testify) that, after the strictest sect of our religion, I lived a Pharisee. And now I stand and am judged, for the hope of the promise made by God unto our fathers: unto which promise our twelve tribes, instantly serving God day and night, hope to come: for which hope's sake, King Arippa, I am accused by the Jews.

##### PROPOSITION.

Why should it be thought a thing incredible with you that God should raise the dead?

##### CONFIRMATION.

I verily thought with myself, that I ought to do many things contrary to the name of Jesus of Nazareth. Which thing I also did in Jerusalem: and many of the saints did I shut up in prison, having received authority from the chief priests; and when they were put to death, I gave my voice against them. And I punished them oft in every synagogue, and compelled them to blaspheme; and being exceedingly mad against them, I persecuted them even unto strange cities. Whereupon, as I went to Damascus, with authority and commission from the chief priests; at mid day, O king! I saw in the way a light from heaven, above the brightness of the sun, shining around me, and them which journeyed with me. And when we were all fallen to the earth, I heard a voice speaking unto me, and saying in the Hebrew tongue, "Saul, Saul, why persecutest thou me? It is hard for thee to kick against the goads." And I said, "Who art thou Lord?" And he said, "I am

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\* This division properly applies to forensic discussions.

Jesus whom thou persecutest. But rise and stand upon thy feet : for I have appeared unto thee for this purpose, to make thee a minister and a witness both of those things which thou hast seen, and of those things in which I will appear unto thee ; delivering thee from the people and from the Gentiles, unto whom I now send thee, to open their eyes, and to turn them from darkness to light, and from the power of Satan unto God, that they may receive forgiveness of sins, and inheritance among them, which are sanctified through that faith which is in me." Whereupon, O King Agrippa, I was not disobedient unto the heavenly vision ; but shewed, first unto them of Damascus, and afterwards to those of Jerusalem, and through all the country of Judea, and then to the Gentiles, that they should repent of their sins and turn to God, performing deeds worthy of that repentance which they profess.

#### REFUTATION.

For these causes the Jews caught me in the temple, and went about to kill me with their own hands. Having therefore obtained help of God, I continue unto this day, witnessing both to small and great, saying none other things than those which the prophets and Moses have declared should come ; that Christ should suffer, and that he should be the first that should rise from the dead, and should shew light unto the people, and to the Gentiles.

#### PERORATION.\*

I am not mad, most noble Festus, but speak forth the words of truth and soberness. For the king knoweth of these things, before whom also I speak freely : For I am persuaded that none of these things are hidden from him ; for this thing was not done in a corner. King Agrippa, believest thou the prophets ? I know that thou believest. I would to God that not only thee, but also all that hear me this day, were both almost and altogether such as I am, except these bonds.

#### OUTLINE OF A DEBATE.

*Are fictitious writings beneficial ?*

#### AFFIRMATIVE.

Fictions are productions of the most brilliant imaginations, the magnificent pictures of fancy, enchanting descriptions of vast fortunes acquired by building castles in the air, wonderful adventures of lovers, hair breadth escapes of knight-errants, and glorious exploits of conquerors. Stories to fascinate the young and amuse the aged.

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\* There should be an intimation of the conclusion of an address, for the attention of the audience generally revives towards its close, and it is at this point that the orator should make his boldest flights, and most powerful efforts to leave an indelible impression on every mind.



§ 2. By fictitious writings we mean novels and romances, unreal painting which tickle the fancy, and as proof of their transcendent utility in enchainning the mind of youth and creating habits of reading, it is only necessary to examine the captivating and alluring style in which they are, as a whole, always written. Many, especially young ladies, peruse them merely for curiosity, or amusement, and thus form a taste for reading which in all probability they never would have done were it not for productions of fiction. Novels and romances are illustrated with engravings, and are so cheap as to be within the reach of all, and tend to create a taste for the fine arts.

§ 3. But their vast benefits are not confined to the young alone, they enter the home of all who have been unfortunate in business, and employ the time of disconsolate wives and heart-broken husbands. Many families spend happy hours in reading and discussing the merits of the last novels of European writers, for it is to be regretted that we have, as yet, few if any in that department who equal those of England and France.

§ 4. As a proof of the great benefits of novels we need only allude to the fact that many thousands derive their support from their sales. Not a railroad car comes in or goes out of any city or village, of any note, in this country, but has in it some poor youth, perhaps the child of a dissipated father, or which, we believe, is more generally the case of a widowed mother, who is loaded with romances, or what amounts to the same thing, newspapers and periodicals which contain mostly extracts from those works of delightful amusement and recreation.

§ 5. There is not a steam boat that plies on the waters of this free republic from Maine to California but has on board its venders of novels and romances. We have already said enough to convince every reasonable and intelligent mind of the vast benefits of works of fiction, yet we deem it necessary, before closing, to clinch the nail and settle forever this heretofore mooted question. It has been found by statistics\* of England and France that the publication of works of fiction employs more persons, gives support to more venders than all the works on religion, law, and medicine; than all the religious, scientific and literary magazines, all the religious newspapers and all the other dry literature of those countries combined.

§ 6. It is to be regretted that in the United States we have no statistics of the kind, but I am sure the observations of all present will bear us out in the assertion that America is not behind the old world in appreciating the great benefits of the works of fiction. In all our railroad cars, and on all our steamboats to which we have alluded, comparatively speaking no other writings are read. The people almost

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\* See Edinburgh Magazine for 1850.

unanimously see and acknowledge the benefits of fictitious writings, for they patronize no other books in all our public thoroughfares, and vox populi vox DEI.\*

§ 7. In works of fiction virtue is decked in all its beauty and loveliness, and vice is held up in such horrible deformity that it need only be depicted to be shunned. The reader is taught to enter the bowers of paradise created by the former, and enticed from the miseries of the latter.

§ 8. Many novels, and particularly Sir Walter Scott's, are founded on facts, and in them are interwoven all the important historical information that is necessary for any one to know. Again, are not fables fictitious? and what is more, are not the parables of our Saviour fictitious? With these overwhelming arguments we rest our cause.

#### NEGATIVE.

§ 1. Before endeavoring to reply to the arguments of our opponents, we give them full credit for doing all that skill and ability can accomplish, they have labored with an enthusiasm worthy of a better cause, and their reasonings if permitted to go unrefuted, would doubtless be productive of much evil.

§ 2. The parables of our Saviour are not fictitious, all his parables are facts introduced to represent truths, that is, He makes use of earthly things to illustrate heavenly realities, and this is done in order to make his instructions understood. Fables are modes of illustrating truth, and are symbolical facts, and therefore are not fictitious.

§ 3. As far as the novels of Scott are facts or histories, they are not fictitious, and hence, have no bearing on the subject, and all those parts of his novels which are fictitious, have a tendency to mislead and deceive the reader, and are positively injurious. How melancholy it is to reflect that the brilliant intellect of Scott was squandered in amusing instead of instructing mankind; that he labored to please men instead of aiding them to do substantial good and glorify their Creator.

§ 4. Works of fiction do not, as a general rule, clothe virtue in all its loveliness, and vice in all its deformity. They familiarize the mind with all that is corrupting and depraved, by administering to the sensual appetites, enervating and stultifying the intellectual powers. The very reverse of the assertion of our opponents, is generally true. For vice depicted by the tinsel of the novelist, is "first dreaded, then pitied, then embraced."

§ 5. In real history alone is the true line of demarkation drawn; there you see the difference between virtue and vice practically illustrated in the lives of Arnold and Washington, Nero and Marcus Aurelius, Jo-

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\* The voice of the people is the voice of God.

seph and his brethren, Judas and our Savior. Our opponents regret that we have no statistics to prove, as they have done with England and France, that the sales of novels exceed that of all the other books of the country combined. Startling as is this information in regard to Europe, we will show the sophistry of their conclusions in reference to America. It is true that all our public thoroughfares and cities are flooded with novels; because this happens to be the fact, does it follow that they are beneficial? These same places abound with all manner of intoxicating drinks, but does this prove that they are productive of good? Where are the most crimes committed? Where prowls the libertine? the gambler? the thief? the incendiary? the robber? the murderer? the enemies of rational liberty and of human progress? In the very places where novels are the most abundant; and it is a well established fact that the most heinous criminals read, exclusively, works of fiction, and decry everything of a moral and religious tendency. Truly, "by their fruits shall ye know them." As for the benefits of novels in comforting and sustaining those who have been unfortunate in business, the very reverse is true. Novels engaged the attention of the young wife; she neglected her domestic duties, read late at night, became fretful and peevish because her husband had not millions at his command, because he was not a senator, governor, president, duke, king, or emperor; she unconsciously neglected her children, made *her home* intolerable, and drove her husband to the intoxicating bowl, or chased him, by her petulance, to a premature grave, and the poor tatterdemalion orphans so pathetically described by our opponents, were made such, through the pernicious influence of novels. We admit that many may derive their entire livelihood by selling works of fiction; but is that beneficial which supports or enriches one or a dozen, and ruins thousands? Is it beneficial for a person to sell apparel which scatters contagious diseases, sickness, and death, and fills the land with gloom and misery? Is that beneficial which makes us see things through a false medium? Is that right which has the mass of the people on its side? Then is heathenism and idolatry more beneficial than christianity. Then was the banishment of the pure and noble Aristides, by the vox populi, just. The arguments of vox populi, so strongly relied on by our opponents, reminds us of the discussion of an Irishman and an itinerant minister about theatres: "And sure," said the former, "theatres must be beneficial for we have in their favor the king of England, the king of France, the king of Spain, and all the kings, and all the nobility besides, and you, poor devils, have nobody on your side except God ALMIGHTY." But to return to the subject. The great and the wise of our own country totally disregard the sickening tales of newspapers and periodicals, that editors insert for silly and weak minds. Are the most eminent lawyers, judges, doctors, teachers, and ministers,

advocates of fictitious writings? Was there ever a novel found in the library of a single one who ranks as one of the founders of our government? The vox sapientiae\* is unanimous in favor of the negative of the question under debate, and as for the vox populi, it may sustain the affirmative side, and crucify the liberties of America, the same as it did the SAVIOR OF THE WORLD.

§ 6. As for style it is bombastic and vulgar; for clearness, simplicity, strength, or beauty, the advantages are always in favor of the sound literature, and the young will find, by reading books of biography and history, as much to captivate and allure towards the pinnacle of usefulness and fame, as there is on the side of works of fiction to contaminate and sink into hopeless wretchedness. As for cheapness, the American Bible Society furnish books at a lower rate, which lead to eternal bliss instead of eternal misery. As for a taste of the fine arts, the reverse is true. The dowdy obscene wood-cuts of novels create a taste for all that is maddening and tantalizing. The gloomy cloud hiding the setting sun of many who were born with the brightest earthly prospects before them, has carried when too late, the saddest intelligence to many agonizing hearts, that bad books, novels, and romances, are public fountains of vice.

§ 7. Works of fiction tend to give unnatural views of life, and render a distaste for all that is holy. Whoever heard of a novelist that was fond of studying and practising the precepts of our Savior. Whoever knew a real novel but tended to render the head silly; the heart treacherous and corrupt.

§ 8. The only reason why works of fiction are tolerated, is, that they are diluted with a few facts, sugared over with a little virtue, but the poison is sure to produce its fatal results. The haunts of dissipation and wretchedness teem with novels. The worst members of society, if they read at all, are certain to read them to the exclusion of all books which tend to make the head wiser and the heart better.

§ 9. Works of fiction, as their name imports, are silent companions of guile and falsehood. An eminently wise man once said, "Let me see the favorite books of an individual, and I will tell you his character," and another once remarked, "Let me write the book for a nation, and I care not who makes the laws."

§ 10. Works of fiction are pernicious in the extreme, because they create a relish, as their name imports, for falsehood; they tend to make weak minded and treacherous men silly, and dissolute women. They scatter the seeds of dissipation and depravity, and stifle all holy aspirations for the lofty and ennobling principles of the Bible. It should never be forgotten that this book is the basis of civilization, and of hu-

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\* The voice of the wise.



man improvement. No real liberty or happiness has ever existed, nor can it ever exist without it. Truly it "transforms the tiger fury and blindness of man into the gentleness of the lamb and the harmlessness of the dove. Wherever its principles are not studied and revered, republicanism and human bliss are alike unknown.

§ 11. Many instances are known of ladies whose youth was as unsullied as the untrodden snow, the pride of their families, bidding fair to shine among the brightest literary stars, who began by reading the best *illustrated* novels, and ended with the worst, abandoned their dearest friends, carried the grey hairs of their parents in sorrow to the grave, terminated their own lives as outcasts in the vilest dens of iniquity.

§ 12. Were we compelled to lose our life or take a partner addicted to reading works of fiction, we would choose the former, but were this poor boon denied and the alternative of the latter presented, with that of a lady addicted to habitual drunkenness then praying for death, we should take the latter, for her habits brutalize directly the body, and render her an object to be shunned, whereas those of the former deprave the soul and beguile only to ruin forever.

§ 13. Works of fiction are greater scourges than war, pestilence, the inebriating bowl, and famine combined for these have intervals of cessation, or are mostly confined to the worst part of the race, but the former are ever present, and are perpetually ensnaring multitudes of youth of both sexes, and particularly the fairer and better part of creation. Novels and romances, these keenest missiles of Satan, are no longer confined to the places of their origin, the despotisms of the old world, where they beguile the attention of subjects and aid kings, the better to forge their fetters, they are stealing the names of cheap literature, and flooding our land.

§ 14. Our country youths as they for the first time visit some of the great marts of the Union are beset on boats, cars or dock, and first enticed by stool-pigeons of crime to buy the last historical novel; then follows in quick succession the depraving romances of France, in which are wily concealed cards pointing out the most horrible dens of iniquity into which no one has ever or can ever enter with safety.

§ 15. The reader of works of fiction like the drinker of ardent spirits knows not where he will stop, or the evils that will result therefrom. No one can with truth say they will not injure me, for millions have said the same and been irretrievably ruined.

§ 16. If man dies not as the brutes of the field and the trees of the forest, if the mind lives forever, if human existence be given to fit and strengthen the mental faculties for the life to come, then is every work which tends to divert attention from the goal to which we are all rapidly

hastening, and unfitting us for the end of our creation, pernicious in the extreme.

§ 17. Novels and romances insidiously allure us from the duties to ourselves, our friends and our Creator, and engender a distaste for reading the HOLY SCRIPTURES, taking away the purest happiness on earth, and the strongest hopes of BLISS IN HEAVEN. The leaves of the novel, like those of the flower that conceals the deadly asp of the Nile, if handled at all, are liable to impart an unseen sting of unutterable anguish and woe.

*Is it Wrong for a Government to Deprive a wilful Murderer of Life?\**

AFFIRMATIVE.

§ 1. In supporting the affirmative of this question, we shall not attempt to justify the murderer; we wish him to receive even hand justice, but we desire that he may be punished otherwise than by death, and in a way that the community will be benefitted by his living. For death, we propose to substitute imprisonment for life. This plan will be greater punishment, and will also produce a revenue to the State, and often save the lives of innocent persons.

§ 2. Many have been executed for supposed crimes, who afterwards were proved innocent. By imprisoning alleged criminals, they may, when proved guiltless, be set at liberty. The murderer, imprisoned, is a living beacon to guard the young against the dangers and penalties of crime, and affords the strongest protection to the community. Again, taking the life of the murderer, is contrary to Scripture. After Abel was killed by Cain, the Lord pronounced a seven-fold vengeance on any one who should put him to death. The Bible reads, "Thou shalt not kill." Putting the murderer to death is killing him, and therefore a direct violation of the law of God. The Savior prayed for his murderers.

§ 3. If persons are condemned to death for crimes by the laws, it lessens the value of human life in the eyes of the community. "Draco's bloody code doomed to death every person who committed the least fault; but this instead of lessening crime increased it. The Romans punished with death many small offences—and behold the result, the community valued human life so little, and the frequent executions had so hardened the hearts of the people, that the deadly combat of the gladiators was a source of great amusement even to the ladies, who looked on with joy to see man butcher his fellow-man, and hear his death-struggle with delight. In England, a few years since, the stealing of a watch was a capital offence; yet, while one man was being

\* See Civil Magistrate, Burleigh's American Manual, pps. 268 to 285, inclusive

executed for that crime, it was reported that five hundred watches were stolen from the crowd who came to witness his execution, and crimes increased with a fearful ratio, so that the government was convinced of the necessity of abolishing capital punishment for minor offences. In our country, when executions were public, every species of crime was committed under the gallows, and frequently other murders were perpetrated in the vicinity of the execution, at the very time or soon after. Again, capital punishment is a species of revenge, a relic of barbarism; the principle is the same as if one man who being knocked down, must in turn knock down his antagonist."

§ 4. The object of law should be the reformation of the criminal, as well as the prevention of crime. This is the end of the Divine law and government. The Creator does not cut off immediately even the greatest rebel against his just laws, but uses means to reform him, ever holding out the sceptre of peace and salvation, and entreats him to turn and live. Here then is a perfect example for the magistrates of earth in the making and executing of laws. For these and the other reasons adduced and proved by facts and the Bible, capital punishment is wrong, a monstrous, cruel and barbarian custom, a disgrace even to savages. As light is dawning on the moral darkness of our globe, we trust that this and every other custom that is wrong, will soon be banished from the civilized world.

NEGATIVE.

§ 1. On this subject so much depends on the peculiar feelings of individuals, and the judgments which they form, that unanimity cannot be expected unless we set out from acknowledged principles, and steadily pursue them to their legitimate consequences.

§ 2. The great object of punishment is the prevention of crime. The wilful murderer commits the greatest outrage; hence a government has a right in his case to inflict that punishment which will best prevent its recurrence.

§ 3. The death penalty is universally viewed with more horror than any other. Hence it is the most efficacious by way of prevention. No murders would ever be committed if the life of the offender were *certain* to be forfeited. There never was and never can be a sentence to prison for life without a hope on the part of the culprit for escape.

§ 4. The death penalty of our country offers a reasonable time to the convict for repentance. A person who has committed one wilful murder, will be certain to commit another, if permitted to live in society, and many, if not a majority of them imprisoned for life are pardoned; they contaminate and ruin thousands; their very breath is a moral pestilence; who can doubt but that their death would tend to prevent crime, and be productive of more good than evil.

§ 5. The affirmative do not attempt to justify the murderer, but their arguments from beginning to end tend indirectly to encourage base assassins, robbers, murderers and pirates. Imprisonment for life a greater punishment than death, was there ever a criminal that preferred the latter to the former, "by their actions shall ye judge."

§ 6. The most heinous convicts always have confederates or associates, who offer vast wealth to the attorney for obtaining a release. Whoever knew a lawyer who could not procure a pardon with a bag of gold for the most revolting butcheries.

§ 7. The governor of one of the largest States not many years ago went into office worth about four thousand dollars, and went out worth half a million, he pardoned only 236 criminals. Think of the number of uncalled for pardons that have been granted in our own state. Imprisonment for life to prevent murder is no more sensible than it would be to pile up walls of tow to stop the progress of the raging flames.

§ 8. The fallacious efforts of the affirmative to prove the correctness of their position by the Bible, are similar to those of the Atheist, to prove there is no God. When he reads the latter part of the verse, "there is no God," and omits the first part, which says, "the fool hath said in his heart," there is no God.\* The quotations to sustain the other side of the question when properly explained in fact sustains ours. But we will give a quotation which answers them, "whoso sheddeth man's blood by man shall his blood be shed."†

§ 9. The safety of the community is endangered by permitting the murderer to live. Among the numerous facts on this head, we will cite only two. A few years ago, a murderer in Mexico, was sentenced to die on the wheel; both of his legs and one arm were cut off and he was supposed to be dead. His mangled body was given to the physicians, they took it to the dissecting room and there they discovered signs of life, and, moved with pity, they used the means to resuscitate him with success.

§ 10. They placed him by the side of the public highway that he might be supported by the charity of travellers. After being there for some time, a wealthy gentleman was passing, of whom the beggar solicited alms—(his remaining hand being concealed under his coat;) he held to him a gold coin—the solicitor requested him to put it in his pocket, stating that he had lost both of his hands: while stooping to fulfil his request, the donor started back at the sudden appearance of a hand with a dirk in it; he took the villain into his carriage and carried him to the nearest public house, examined him, and found in his pocket besides the dirk a whistle, which at once suggested the idea that he was associated with a band of robbers.

\* See Psalms, chap. liii. 1st. verse.

† Gen. ix. 6.



§ 11 A number of armed men were collected, and going near the place where the beggar had lain, concealed themselves, while one blew the whistle, when immediately several men emerged from a cave with cutlasses, pistols, &c.; they were fired on and killed. The party then proceeded to the cavern, and there found a large quantity of gold and silver, and a variety of articles, and in another part a trap-door, and in the cellar the remains of from twenty-five to thirty bodies, most of whom are supposed to have been killed by the one-hand beggar.

§ 12. Robert Kid, the notorious pirate, stated that after he had committed the first murder, he was horror struck—his remorse of conscience was almost insufferable, but it wore away by degrees, and at length he killed another, then, he says, "My remorse of conscience was great, but not so much as after killing the first man; at length I killed a third; I now had much remorse of conscience, but still less, and so on until I felt, after killing over four hundred, no more remorse of conscience in killing a man than in slaying an ox."\* The cruelty of Roman amusements, gladiators, &c., has no more to do with the question under debate, than the bull fights of Spain. The bloody laws of Draco made the stealing of a pin as much a crime as the most deliberate murder, and are totally inapplicable to the present question. In neither of those instances did the people look to the Bible as the light to the path of duty. Capital punishment has been sanctioned by the great and wise of every nation and of every age. Washington sanctioned it, and caused Andre to be executed, who had not even committed murder, but was only looking about to see the condition of the American army. Substitute imprisonment for the death penalty, and society reverts to its savage state.

§ 13. The affirmative propose a half way measure; grant imprisonment for life, and then its cruelty will be decried, and the moral suasion of fanatics substituted therefor. The death penalty cuts off Satan's hook from his line, imprisonment only puts on a bait; the lock will be broken, the wall scaled, or a pardon obtained, and then perhaps a score of murders follow without detection, for practice in crime as in every thing else, makes perfect. The murderer may not be prepared to die, but he always has more time to repent and prepare for the dread change than he allows his victim.

§ 14. The proposition to do away with the death penalty is theoretical, but the history of the world and common sense alike convince all that it never can be carried out in practice. When the farmer detects a wolf destroying his flock does he try to reform the animal in an en-

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\* Here we see the awful danger of beginning to do wrong. Oh! let us refrain from commencing any bad course with more caution than we would avoid a mad dog or pestilence; for it will prove the path of death to the body, and a source of endless misery to the undying soul.

closure. The wilful murderer is a ravenous beast in society; he destroys the flock of his Savior, prison walls afford no permanent security against his escape, and when at large the life of no one is entirely safe. As he grows in years he advances in wickedness, undermines the morals of thousands, inflicts vast misery but gives no happiness. His good and the good of others alike demand that he be not plotting to kill his keepers, and escape from prison, but that he prepare in a given time to answer at the bar of God in the best possible way for his atrocious crimes. The laws of no country are so rigidly executed as in Scotland, and in no place, in proportion to population, are there so few murders. In the State of Delaware the criminal laws are the most severe, they have now [1852] no state prison, all criminals are either severely whipped with cat of nine tails or hanged. Yet in no State are there so few crimes committed. Judge Willard Hall remarked not long since that there had been but one horse stolen in Delaware for the past fourteen years. The best way to prevent murder is to have laws rendering detection if possible inevitable, and the greatest punishment, which is death, because it is the passage to eternal happiness or endless misery to heaven or hell. It is an acknowledged principle that whatever produces more good than evil is right. The death of the wilful murderer does this. Hence it is not only right but the duty of every government to take the only effective way to regenerate the world, to elevate the race, to promote the safety, the happiness of all, by quenching the ranting and raging fury of spurious philanthropists, the apologists, and hence the encouragers of the vilest criminals, and by killing instead of nourishing, all deadly reptiles, and exterminating instead of encouraging all the depraved monsters of crime.\*

*Is Party Spirit Beneficial?*

AFFIRMATIVE.

§ 1. This is one of the most interesting questions that can claim human attention. All legislation is defective, and a spirit for differing in opinion is a law of our nature. It is not in the power of man to decide what is always expedient. Questions must frequently arise on subjects both of a religious and political character, about which men will honestly differ in opinion, and whether it be "the establishment of a church without a bishop, or a government without a king," the education of all the children by the church, or by the public schools of a state, you will find that the wisest and the best honestly differ in opinion; that they will become leaders of parties, and that these parties are beneficial in arousing a universal spirit of enquiry.

\* For the illustrative facts in this outline, the author is indebted to Alfred E. Wright, who has labored indefatigably in collecting a mass of statistics, and elevating by his publications the common schools of our country.

§ 2. Suppose there be a party in favor of war, there must, as a natural consequence, be one opposed to it. Suppose all were to raise a revenue of one hundred millions to conquer an enemy, then there will spring up a difference as to the way in which this revenue should be raised, collected, and distributed. Party spirit is necessary for the healthy administration of a government. It checks those in power from becoming oppressive and corrupt. It was through the raging and perfecting power of party spirit, that the Declaration of Independence was carried in the Congress of 1776. Had it not been for the beneficial influence of opposing parties, our glorious constitution would not have approximated so near to perfection as it does. It would, years ago, have crumbled, and its ruins caused gloom and desolation throughout the country. We see by the blessings of this spirit, that those parts of the earth which were formerly inhabited by savages and barbarians, now bloom and blossom like the rose, under the noblest form of government on which the sun has ever risen. The press is nearly equally divided. The partisans in religion and politics, arouse the dormant energies of the whole land, and excite among all classes an unquenchable thirst for investigation, for research, and mental elevation. All ancient governments that were the seats of science, of civilization, and of liberty, received the beneficial influence of party spirit. Wherever the sun of liberty now shines the brightest; wherever our holy religion is most prized and revered, there do you find this spirit in the fullest plenitude of its power. Hence, the demonstration that PARTY SPIRIT IS BENEFICIAL.

NEGATIVE.

§ 1. There is more of speciousness than of reality in the arguments of the affirmative. It is boldly asserted that "a spirit for differing in opinion, is a law of our nature." Hence, according to the tenor of this fallacious reasoning, God has endowed us with faculties which, if we use aright, will lead us to DISPUTE THE TRUTH. Our opponents have marshalled before you the founders of our government; and what do all their declarations prove: simply, that there was a party in favor of a foreign king, and a party in favor of American liberty. The former, the advocates of *error*; the latter, of *truth*. We have been eloquently reminded of the ancient cradles of science and liberty; and what does it all amount to; why, simply this: that Republics, rent by the insane fury of parties, have been, "like man born of woman, few of days and full of trouble." We should deem the history of ancient republics, a fable, were it not that their crumbling monuments still attest alike their magnificence and the ruinous results of party spirit; and wherever it is now raging; whether the mass of the people are marshalled under the banners of sectarian or political aspirants, there is the progress of lib-



erty jeopardized, and the cause of truth and justice set at defiance. No two opposite parties either in religion or politics, were ever or can ever, both be equally right; and the arguments of the affirmative, in demonstrating this question, prove that good is evil and that error is truth, and that both are right. The fact is, there can be no parties about truth; no opposition can rightfully be brought against it. Party spirit is the prolific source of falsehood. If truth be known, there can be no difference of opinion among honest men. We should assist each other in seeking it, and found all our actions on its enduring principles. All our investigations should be conducted with fairness and sincerity. In even the best regulated christian communities at the present day, there are parties. The reason is, that christians are only men. Questions arise in which they feel a personal interest, and their feelings lead them astray. But this is pernicious instead of being beneficial. We are all Americans, and we should feel as did the patriarch of old, that there ought to "be no difference between us, for we are brethren." There can be but one true and safe course, which is of mutual assistance, peace and harmony. In all questions where a difference of opinion arises, let us coolly argue the point and calmly weigh the evidence thereon, and with the decision of the majority be content. Party spirit is at war with these principles; it is prejudicial to the cause of truth and justice. It cares more about a triumph than about right. If parties exist, error and falsehood must at least be the foundation of one of them. The cry becomes what can we do to promote the success of our party, whereas it should be, what can we do to benefit our country. All become maddened by partisan huzzas, and are zealous for town, or country, or state, or northern, or southern lines, and lose sight of the permanent good, the prosperity and glory of the whole country. This pandora box that feeds party spirit, has already threatened the very existence of our republic. The Northerner despises the Southerner and the Southerner detests the Northerner. Malicious feelings are produced; whole neighborhoods are in a state of fiendish commotion; friends are separated; the domestic ties of families are sundered; fraud, violence, and murder are nourished by party spirit. No matter how sincere persons of opposing parties may be in supposing that their side is right, the question in debate has nothing to do with what people think or pretend to think, but what is beneficial, not to the *leader*, but to the whole community. All the arguments in favor of parties are visionary and fallacious. Party spirit promotes many wicked and incompetent men to office, merely because they are boisterous partisans. The watchword becomes, who has served his party with the most zeal, instead of who is the most competent, faithful, and meritorious.

§ 2. Party spirit is opposed to merit; the great and wise of every age and nation have suffered by it. Seneca was condemned to death, Plato



was doomed to slavery, Pythagoras was burned alive, and Socrates was fated to drink the poison cup; all like vile criminals, were sacrificed at the shrine of Moloch. But we need not go out of our own country for the baneful influence of party spirit, Washington was slandered as a traitor, a party was raised to displace him from the command of the American Army, and public meetings called to burn him in effigy.\* No one since his day has been a candidate for the highest office in the world without being traduced; as a general rule, the greater the ability and merit, the more clamorous and virulent has been the cry of partisan slanderers. Unless some rational course be taken to mitigate the animosity of parties, this boasted republic will follow the fate of all its predecessors, for a "House divided against itself cannot stand," but we have already said enough to prove that party spirit is subversive of the peace and comfort of families, at war with the principles of truth and justice, and destructive of the enduring prosperity and renown of a nation.

*Does Christianity diminish human happiness in this life?*

AFFIRMATIVE.

Any thing restricts human happiness when the resulting evil overbalances the good. Many Christians are willing, if not anxious to die, but whoever has known a person not pious willing to meet death. Do not all dread it, from the beggar in his lonely hovel to the king in his palace. Men seek their own happiness, hence the proof that the Christian being unhappy is willing to die, and all who are unconverted being comparatively speaking happy, are unwilling to leave the bliss they enjoy here below. Where especially among ladies, do you find the most mirth and joy, where rings loudest the laugh, where pass away the hours under pleasures flying feet, among those who have not the restraints of religion to mar their happiness. But we need not be confined to the narrow sphere of families and neighborhoods Christianity has occasioned wars. It caused numerous and direful persecutions in the palmiest days of the Roman Empire, and during the reformation. It produced the crusades, and the incalculable amount of crime, and human wretchedness resulting therefrom, has caused the most bitter and heart-rending persecutions throughout the civilized world. We know our opponents may bring forward the plea that the eternal happiness of the bliss of the soul which lives beyond the grave outbalances all this, but we wish them confined rigidly to the question, and that has reference exclusively to this world, and here we have every one who is fond of amusement and the social circle, and the practice and actions of the great bulk of the people of this free republic, and the

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\* Remembrance of the late Col. James Stimson, of Maryland.

common sense of mankind, all in favor of the affirmative of the question.

#### NEGATIVE.

In proving the negative of this question, we propose to consider first the happiness christianity confers on its possessors, and then its miraculous power in alleviating human suffering and blessing the whole human race. Outward appearances are generally deceptive, the smiling countenance often conceals the saddest anguish of the heart, and the lady who is all mirth and glee is too often like the dove that folds its wings to conceal the barb of death. The minds of those who are Christians, like the unruffled waters, run deep, and enjoy pleasures concealed from mortal view. Which is the happiest the votary of pleasure or the christian. Death may overtake us at any moment. The vast sum of human happiness is made up of peace of conscience, and that even tranquillity which renders one always contented with his present condition, and enables him to confer great and perpetual bliss on all around. The argument of the hour of death so strongly relied on by the affirmative is in reality the very strongest one in our favor, all must die, the Christian feels ever ready; he looks forward to the brightest and most glorious prospect, but the sinner "is without hope and without God in the world." He is constantly terrified, conscience which is ever whispering to him, speaks of the dark and gloomy future, he fears perdition, and is ever unhappy. The Possessor, not the mere Professor of Christianity, sets a noble example, and carries with him every where peace and love, and strews around contentment and happiness.\* Christianity confers felicity, for it is the law of God. Is there any one so credulous as to believe that JEHOVAH would annex misery for practising what he has commanded and approved? It has been boldly asserted that Christianity has caused devastating wars, that it was the source of the most cruel and unheard of persecutions; at the zenith of the power of Imperial Rome; that it originated the crusades and the untold misery resulting therefrom; that it was the source of the heart-rending persecutions during the reformation, and that it has continued to embroil and embitter society ever since. The fact is, all these atrocities and scourges have originated from an entirely different cause, viz: THE EVIL DISPOSITION OF MAN. Who acts in direct opposition to the whole weight and power of Christianity; where have wars been the most frequent, ferocious, bloody and desolating, in countries not Christianized, "whence come wars and fighting among you, come they not hence even of your lusts." Persecutions have existed in every age and country. Who persecuted Shadrach, Meshack, and

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\* See "Do as you would be done by," page 76, Burleigh's School Thinker.

Abednego? Who does not see the absurdity of the affirmative in attributing to a cause, effects which are found anterior to it, and where it never has existed. All nations have practiced persecutions where the christian religion was unknown. Persecution is found in all communities, and has nothing to do with christianity, which, instead of encouraging, has always presented the strongest possible barriers against intolerance. Christ says, "Do good to them that hate you and pray for those who despitefully use you and persecute you." Christianity has, irrefutably, improved and elevated the condition of human society. It has abolished gladiatorial shows, and the contests between men and wild beasts. For the offering of human sacrifices it has taught us to acknowledge and forsake our sins. It humbles kings and nobles, for it teaches them that their poor christian menials are better than themselves. It has elevated the condition of the poor, and provided for the proper education of children. Christianity enhances the happiness of the race inconceivably even in this life. It has supplied innocent entertainments for those that were pernicious; it has enacted wise laws; it has rendered travelling safe; promoted literature, advanced science; established the law of nations, protecting the persons of foreigners in distant countries; mitigated the horrors of war by causing prisoners to be treated with humanity; created a regard for piety; founded hospitals; raised woman from her abject condition as a chattel and degraded slave to her proper rank in society. Like the sun in heaven, its beneficent rays fall on all, though not alike on each. Yet every one, however low or degraded, is rendered happier by its beneficent influence.

§ 3. The preceding outlines have been given to encourage persons who have had little or no experience in conducting public discussions. It may be remarked that the same arguments do not appear alike to every mind; that circumstances may be ingeniously adduced, which if rightly construed, would sustain the opposite side of a question, and that mere reports are very different from facts, and should always be closely scanned. For example, the assertion in the first line of page 11, that 500 watches were stolen, is incredible, and may be refuted by showing that it was a conspiracy among thieves to destroy the law, i. e., one thief stole from the other, and that he in turn stole it again, and so on, till the same watch had been stolen and re-stole 500 times; or that there were not more than fifty watches at that period in the whole country where the execution occurred, &c. Young debaters, like children commencing to walk, should receive every possible encouragement, and should not always be rigidly confined to the subject.

§ 4. The questions and hints on the following pages are designed for societies which have had more experience in conducting discussions.

*Is Unanimity in Juries conducive to the Equity of their Verdicts?\**

AFFIRMATIVE. [Heads.]

Folly to require unanimity, to convict the meanest criminal when a bare majority, the preponderance of a single vote, will decide the most important deliberations of a State or Nation. A majority of one is sufficient to declare a war which will destroy the lives of thousands. One perverse and obstinate individual, or one who is corrupted by a bribe, may entirely thwart the ends of justice, and keep from merited punishment the vilest criminal. Improvement is the order of the day. In a free country the majority should rule. Unanimity is a relic of English Monarchy.

NEGATIVE. [Heads.]

It causes investigation and discussion in all questions of difference, and leans to the side of mercy. A large minority would always create dissatisfaction to the sentence. It is better for the guilty to escape than for the innocent to be punished. Being condemned by a unanimous voice does away entirely with the unjust usurpation of executives; pardoning power. Rulers are liable to be bribed as well as jurors. The affirmative supports the side of theory. The negative is sanctioned by all past experience, and the approbation of the civilized world.

*Ought Foreign Immigration to be Encouraged?*

AFFIRMATIVE. [Heads.]

Needed to increase our population; to occupy waste land; to add to the power of our army; to our manufacturing establishments; to increase our institutions of learning; and to promote the literature of the country. Should be encouraged by grants of land and naturalization. The exile the strongest supporter of Liberty. And lastly, the superior intellect of foreigners is necessary to improve American literature. See Buffons Natural History, &c.

NEGATIVE. [Heads.]

Paupers; criminals; Botany Bay; Land monopoly; Armies a curse; Tools of tyrants; encourage all the vice of Europe; embrace the policy that makes a million poor; a few nabobs. With those who engraft monarchical principles; small farms; merit; To corrupt ballot boxes; Licentiousness; Exploded theory. We should respect ourselves and our country. See lives of Eminent American Statesmen and Divines, History U. S. &c.

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\* See Duties and Responsibilities of Jurors, Burleigh's American Manual.



*Do Males exert a Greater Beneficial Influence than Females?*

AFFIRMATIVE. [Heads.]

Males are stronger in body and mind. Occupy all the learned professions; all offices of trust, honor or profit. Direct the commerce, manufactories, education, banks, the press and armies. Command the wealth; wealth is power; males found colleges; the strongest levers of Christianity; women dislike colleges; spend all their time and influence in favor of pernicious novels and romances. This question applies to the whole race, in all uncivilized countries women are slaves and have no influence.

NEGATIVE. [Heads.]

Strength no test of intellectual power and moral influence. Sir Isaac Newton feeble. Women mould the character. Sir Wm. Jones: Bonaparte; Doddridge; Washington left exclusively to the mother. Semiramis, Helen of Troy; Maid of Orleans; Isabella, Catharine of Russia, Maria Theresa, Elizabeth, Pocahontas, Victoria, Jenny Lind. Free from drunkenness; Kings control mankind, Women control Kings. Hemans, Hannah More, &c. &c. Direct the affairs of the Christian World,\* three-quarters Christian Females.

*Ought the Liberty of the Press to be Restricted?\**

AFFIRMATIVE. [Heads.]

Restrictions necessary to promote truth and repress falsehood. Rome and Greece were free, yet they had no free press. Foulest calumnies circulated through the press. Sanctions robbers of character who are more detestable than those of money. Thousands live and die by being slandered. Like a pestilence no one is safe from its pernicious attacks. Christianity ridiculed and belied by it. Infidelity disseminated. The French revolution, 1793, and the reign of terror countenanced. Power may be abused; the press is power and ought to be restrained. Enter seminaries; contaminate the young; ruin a nation.

NEGATIVE. [Heads.]

Truth, like gold, the more it is rubbed the brighter it shines; always prevails over all libellous attacks. If false restrictions tend to perpetuate; Greece and Rome, did not maintain their liberty. More crime and vice where it is restricted. Refutation follows slander. Destroys tyrants, the robbers of nations. Millions die for the want of having their rights fearlessly advocated. A virtuous man lives free, for the calumniator is not believed. Christianity refutes its puny attacks; encircles the globe with light and bliss. French revolution by stifling free discussion. A free press exposes bad books and stops their sale. Impossible to restrict it in a beneficial way. Bad rulers have bad men to control it. Our own country, glory and hope of the world.

\* See Apology for the freedom of the press by Robert Hall. And R. Hunter on formation and publication of opinions.

THE ORIGINAL

ARTICLES OF CONFEDERATION.

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TO ALL TO WHOM THESE PRESENTS SHALL COME.

*We, the undersigned Delegates of the States affixed to our Names, send greeting.*

WHEREAS the Delegates of the United States of America in Congress assembled, did, on the fifteenth Day of November, in the Year of our Lord one thousand seven hundred and seventy-seven, and in the second Year of the Independence of America, agree to certain Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, in the Words following, viz. :—

*Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.*

ARTICLE I. The Style of this Confederacy shall be "The United States of America."  
ART. II. Each State retains its Sovereignty, Freedom, and Independence, and every Power, Jurisdiction, and Right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

ART. III. The said States hereby severally enter into a firm League of Friendship with each other, for their common Defence, the Security of their Liberties, and their mutual and general Welfare; binding themselves to assist each other, against all Force offered to, or Attacks made upon them, or any of them, on Account of Religion, Sovereignty, Trade, or any other Pretence whatever.

ART. IV. The better to secure and perpetuate mutual Friendship and Intercourse among the People of the different States, in this Union, the free Inhabitants of each of these States, Paupers, Vagabonds, and Fugitives from Justice excepted, shall be entitled to all Privileges and Immunities of free Citizens in the several States; and the People of each State shall have free Ingress and Egress to and from any other State, and shall enjoy therein all the Privileges of Trade and Commerce, subject to the same Duties, Impositions, and Restrictions as the Inhabitants thereof respectively, provided that such Restrictions shall not extend so far as to prevent the Removal of Property imported into any State, to any other State of which the Owner is an Inhabitant; provided also, that no Imposition, Duties, or Restriction shall be laid by any State, on the Property of the United States, or either of them.

If any Person guilty of, or charged with Treason, Felony, or other high Misdemeanor in any State, shall flee from Justice, and be found in any of the United States, he shall, upon Demand of the Government or executive Power of the State from which he fled, be delivered up and removed to the State having Jurisdiction of his Offence.

Full Faith and Credit shall be given in each of these States to the Records, Acts and judicial Proceedings of the Courts and Magistrates of every other State.

ART. V. For the more convenient Management of the general Interests of the United States, Delegates shall be annually appointed, in such Manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every Year; with a Power reserved to each State, to recall its Delegates, or any of them, at any Time within the Year, and to send others in their Stead, for the Remainder of the Year.

No State shall be represented in Congress by less than two, nor by more than seven Members; and no Person shall be capable of being a Delegate for more than three Years in any Term of six Years; nor shall any Person, being a Delegate, be capable of holding any Office under the United States, for which he, or another for his Benefit, receives any Salary, Fees, or Emolument of any Kind.

Each State shall maintain its own Delegates in a Meeting of the States, and while they act as Members of the Committee of the States.

In determining Questions in the United States, in Congress assembled, each State shall have one Vote.

Freedom of Speech and Debate in Congress shall not be impeached or questioned in any Court, or Place out of Congress, and the Members of Congress shall be protected in their Persons from Arrests and Imprisonments, during the Time of their going to, and from, and attendance on Congress, except for Treason, Felony, or Breach of the Peace.

ART. VI. No State, without the Consent of the United States in Congress assembled, shall send any Embassy to, or receive any Embassy from, or enter into any Conference, Agreement, Alliance, or Treaty with any King, Prince, or State; nor shall any Person holding any Office of Profit or Trust under the United States, or any of them, except of any Present, Emolument, Office, or Title of any Kind whatever from any King, Prince, or foreign State; nor shall the United States in Congress assembled, or any of them, grant any Title of Nobility.

No two or more States shall enter into any Treaty, Confederation, or Alliance whatever between them, without the Consent of the United States in Congress assembled, specifying accurately the Purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any Imposts or Duties, which may interfere with any stipulations in Treaties, entered into by the United States in Congress assembled, with any King, Prince, or State, in pursuance of any Treaties already proposed by Congress, to the Courts of France and Spain.

No Vessels of War shall be kept up in Time of Peace by any State, except such Number only, as shall be deemed necessary by the United States in Congress assembled, for the Defence of such State, or its Trade; nor shall any Body of Forces be kept up by any State, in Time of Peace, except such Number only, as in the Judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the Forts necessary for the Defence of such State; but every State shall always keep up a well-regulated and disciplined Militia, sufficiently armed and accoutred and shall provide and constantly have ready for Use, in public Stores, a due Number of Fieldpieces and Tents, and a proper Quantity of Arms, Ammunition and Camp-equipage.

No State shall engage in any War without the Consent of the United States in Congress assembled, unless such State be actually invaded by Enemies, or shall have received certain Advice of a Resolution being formed by some Nation of Indians to invade such State, and the Danger is so imminent as not to admit of a Delay, till the United States in Congress assembled can be consulted; nor shall any State grant Commissions to any Ships or Vessels of War, nor Letters of Marque or Reprisal, except it be after a Declaration of War by the United States in Congress assembled, and then only against the Kingdom or State and the Subjects thereof, against which War has been so declared, and under such Regulations as shall be established by the United States in Congress assembled; unless such State be infested by Pirates, in which Case Vessels of War may be fitted out for that Occasion, and kept so long as the Danger shall continue, until the United States in Congress assembled shall determine otherwise.

ART. VII. When Land Forces are raised by any State for the common Defence, all Officers or of under the Rank of Colonel shall be appointed by the Legislature of each State respectively, by whom such Forces shall be raised, or in such Manner as such State shall direct; and all Vacancies shall be filled up by the State which first made the Appointment.

ART. VIII. All Charges of War, and all other Expenses that shall be incurred for the common Defence or general Welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several States, in Proportion to the Value of all Land within each State, granted to or surveyed for any Person, as such Land and the Buildings and Improvements thereon shall be estimated, according to such Mode as the United States in Congress assembled shall from Time to Time direct and appoint.

The Taxes for paying that Proportion shall be laid and levied by the Authority and Direction of the Legislatures of the several States, within the Time agreed upon by the United States in Congress assembled.

ART. IX. The United States in Congress assembled shall have the sole and exclusive Right and Power of determining on Peace and War, except in the Cases mentioned in the sixth Article—of sending and receiving Ambassadors—entering into Treaties and Alliances, provided that no Treaty of Commerce shall be made, whereby the Legislative Power of the respective States shall be restrained from imposing such Imposts and Duties on Foreigners, as their own People are subjected to, or from prohibiting the Exportation or Importation of any Species of Goods or Commodities whatsoever—of establishing Rules for deciding, in all Cases, what Captures on Land or Water shall be legal, and in what Manner Prizes taken by land or naval Forces in the Service of the United States shall be divided or appropriated—of granting Letters of Marque and Reprisal in Times of Peace—appointing Courts for the Trial of Piracies and felonies committed on the high Seas—and establishing Courts for receiving and determining finally Appeals in all Cases of Captures, provided that no Member of Congress shall be appointed a Judge of any of the said Courts.

The United States in Congress assembled shall also be the last Resort on Appeal in all Disputes and Differences now subsisting, or that hereafter may arise between two or more States, concerning Boundary, Jurisdiction, or any other Cause whatever; which Authority shall always be exercised in the Manner following. Whenever the legislative or executive Authority, or lawful Agent of any State in controversy with another, shall present a Petition to Congress, stating the Matter in Question, and praying for a Hearing, Notice thereof shall be given by Order of Congress to the legislative or executive Authority of the other State in Controversy, and a Day assigned for the Appearance of the Parties by their lawful Agents, who shall then be directed to appoint, by joint Consent, Commissioners or Judges to constitute a Court for hearing and determining the Matter in Question; but if they cannot agree, Congress shall name three Persons out of each of the United States, and from the List of such Persons each Party shall alternately strike out one, the Petitioners beginning, until the Number shall be reduced to thirteen; and from that Number not less than seven, nor more than nine Names, as Congress shall direct, shall in the Presence of Congress be drawn out by Lot, and the Persons whose Names shall be so drawn, or any five of them, shall be Commissioners or Judges, to hear and finally determine the Controversy, so always as a major Part of the Judges who shall hear the Cause shall agree in the Determination: and if either Party shall neglect to attend at the Day appointed, without showing Reason which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three Persons out of each State, and the Secretary of Congress shall strike in behalf of such Party absent or refusing; and the Judgment and Sentence of the Court to be appointed, in the Manner before prescribed, shall be final and conclusive; and if any of the Parties shall refuse to submit to the Authority of such Court, or to appear or defend their Claim or Cause, the Court shall nevertheless proceed to pronounce Sentence, or Judgment, which shall in like Manner be final and decisive; the Judgment or Sentence and other Proceedings being in either Case transmitted to Congress, and lodged among the Acts of Congress, for the Security of the Parties concerned: provided that every Commissioner, before he sits in Judgment, shall take an Oath, to be administered by one



of the Judges of the Supreme or Superior Court of the State, where the Cause shall be tried, *"well and truly to hear and determine the Matter in Question, according to the best of his Judgment, without Favour, Affection, or Hope of Reward;"* provided also that no State shall be deprived of Territory for the benefit of the United States.

All Controversies concerning the private Right of Soil, claimed under different Grants of two or more States, whose Jurisdictions, as they may respect such Lands, and the States which passed such Grants, are adjusted, the said Grants or either of them being at the same Time claimed to have originated antecedent to such Settlement of Jurisdiction, shall, on the Petition of either Party to the Congress of the United States, be finally determined as near as may be in the same Manner as is before prescribed for deciding Disputes respecting territorial Jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive Right and Power of regulating the Alloy and Value of Coin struck by their own Authority, or by that of the respective States—fixing the Standard of Weights and Measures throughout the United States—regulating the Trade and managing all Affairs with the Indians, nor Members of any of the States, provided that the legislative Right of any State within its own Limits be not infringed or violated—establishing and regulating Post-Offices from one State to another, throughout all the United States, and exacting such Postage on the Papers passing through the same as may be requisite to defray the Expenses of the said Office—appointing all Officers of the land Forces, in the Service of the United States, excepting regimental Officers—appointing all the Officers of the naval Forces, and commissioning all Officers whatever in the Service of the United States—making Rules for the Government and Regulation of the said land and naval Forces, and directing their Operations.

The United States in Congress assembled shall have Authority to appoint a Committee, to sit in the Recess of Congress, to be denominated "a Committee of the States," and to consist of one Delegate from each State; and to appoint such other Committees and civil Officers as may be necessary for managing the general Affairs of the United States under their Direction—to appoint one of their Number to preside, provided that no Person be allowed to serve in the Office of President more than one Year in any term of three Years; to ascertain the necessary Sums of Money to be raised for the Service of the United States, and to appropriate and apply the same for defraying the public Expenses—to borrow Money, or emit Bills on the Credit of the United States, transmitting every half Year to the respective States an Account of the Sums of Money so borrowed or emitted—to build and equip a Navy—to agree upon the Number of land Forces, and to make Requisitions from each State for its Quota, in Proportion to the Number of white Inhabitants in such State; which Requisitions shall be binding, and thereupon the Legislature of each State shall appoint the regimental Officers, raise the Men, and clothe, arm, and equip them in a soldier-like Manner, at the Expense of the United States; and the Officers and Men so clothed, armed, and equipped, shall march to the Place appointed, and within the Time agreed on by the United States in Congress assembled: but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any State should not raise Men, or should raise a smaller Number than its Quota, and that any other State should raise a greater Number of Men than the Quota thereof, such extra Number shall be raised, officered, clothed, armed, and equipped in the same Manner as the Quota of such State, unless the Legislature of such State shall judge that such extra Number cannot be safely spared out of the Same, in which Case they shall raise, officer, clothe, arm, and equip as many of such extra Number as they judge can be safely spared. And the Officers and Men so clothed, armed, and equipped, shall march to the Place appointed, and within the Time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a War, nor grant Letters of Marque and Reprisal in Time of Peace, nor enter into Treaties or Alliances, nor coin Money, nor regulate the Value thereof, nor ascertain the Sums and Expenses necessary for the Defence and Welfare of the United States, or any of them, nor emit Bills, nor borrow Money on the Credit of the United States, nor appropriate Money, nor agree upon the Number of Vessels of War, to be built or purchased, or the Number of land or sea Forces to be raised, nor appoint a Commander in chief of the Army or Navy, unless nine States assent to the Same: nor shall a Question on any other Point, except for adjourning from Day to Day be determined, unless by the Votes of a Majority of the United States in Congress assembled.

The Congress of the United States shall have Power to Adjourn to any Time within the Year, and to any Place within the United States, so that no Period of Adjournment be for a longer Duration than the Space of six Months; and shall publish the Journal of their Proceedings monthly, except such Parts thereof relating to Treaties, Alliances, or Military Operations, as in their Judgment require Secrecy; and the Yeas and Nays of the Delegates of each State on any Question shall be entered on the Journal, when it is desired by any Delegate; and the Delegates of a State, or any of them, at his or their Request, shall be furnished with a Transcript of the said Journal, except such Parts as are above excepted, to lay before the Legislatures of the several States.

ART. X. The Committee of the States, or any nine of them, shall be authorized to execute, in the Recess of Congress, such of the Powers of Congress as the United States in Congress assembled, by the Consent of nine States, shall from Time to Time think expedient to vest them with; provided that no Power be delegated to the said Committee, for the Exercise of which, by the Articles of Confederation, the Voice of nine States in the Congress of the United States assembled is requisite.

ART. XI. Canada acceding to this Confederation, and joining in the Measures of the United States, shall be admitted into, and entitled to all the Advantages of this Union; but no other Colony shall be admitted into the Same, unless such Admission be agreed to by nine States.

ART. XII. All Bills of Credit emitted, Moneys borrowed, and Debts contracted by, or under the Authority of Congress, before the Assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a Charge against the United States, for Payment and Satisfaction whereof, the said United States, and the Public Faith are hereby solemnly pledged.



ART. XIII. Every State shall abide by the Determinations of the United States in Congress assembled on all Questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any Alteration at any Time hereafter be made in any of them, unless such Alteration be agreed to by a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

And whereas it hath pleased the great Governor of the World to incline the Hearts of the Legislatures we respectively represent in Congress to approve of and to authorize us to ratify the said Articles of Confederation and perpetual Union; Know YE, that we, the undersigned Delegates, by virtue of the Power and Authority to us given for that Purpose, do by these Presents, in the Name and in Behalf of our respective Constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the Matters and Things therein contained: and we do further solemnly plight and engage the Faith of our respective Constituents, that they shall abide by the Determinations of the United States in Congress assembled, on all Questions, which by the said Confederation are submitted to them; and that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof, we have hereunto set our Hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth Day of July in the Year of our Lord one thousand seven hundred and seventy-eight, and in the third Year of the Independence of America.

*On the Part and Behalf of the State of New Hampshire.*

JOSIAH BARTLETT,

JOHN WENTWORTH, Jun. August 8, 1778.

*On the Part and Behalf of the State of Massachusetts Bay.*

JOHN HANCOCK,  
SAMUEL ADAMS,

ELBRIDGE GERRY,  
FRANCIS DANA,

JAMES LOVELL,  
SAMUEL HOLTEN.

*On the Part and Behalf of the State of Rhode Island and Providence Plantations.*

WILLIAM ELLERY,

HENRY MARCHANT,

JOHN COLLINS.

*On the Part and Behalf of the State of Connecticut.*

ROGER SHERMAN,  
SAMUEL HUNTINGTON,

OLIVER WOLCOTT,  
TITUS HOSMER,

ANDREW ADAMS.

*On the Part and Behalf of the State of New York.*

JAS. DUANE,

FRA. LEWIS,

WM. DUER,

GOUV. MORRIS.

*On the Part and Behalf of the State of New Jersey.*

JNO. WITHERSPOON, Nov. 26, 1778.

NATH. SCUDDER do.

*On the Part and Behalf of the State of Pennsylvania.*

ROBT. MORRIS,  
DANIEL ROBERDEAU,

JONA. BAYARD SMITH,  
WILLIAM CLINGAN.

JOS. REED, 23d July, 1778.

*On the Part and Behalf of the State of Delaware.*

THOS. M'KEAN, Feb. 13, 1779.

NICHOLAS VAN DYKE.

JOHN DICKINSON, May 5th, 1779.

*On the Part and Behalf of the State of Maryland.*

JOHN HANSON, March 1, 1781.

DANIEL CARROLL, do.

*On the Part and Behalf of the State of Virginia.*

RICHARD HENRY LEE,  
JOHN BANISTER,

THOMAS ADAMS,  
JNO. HARVIE,

FRANCIS LIGHTFOOT LEE.

*On the Part and Behalf of the State of North Carolina.*

JOHN PENN, July 21st, 1778.

CORNS. HARNETT,

JNO. WILLIAMS.

*On the Part and Behalf of the State of South Carolina.*

HENRY LAURENS,

JNO. MATHEWS,

THOMAS HEYWARD, Jun.

WILLIAM HENRY DRAYTON, RICHARD HUTSON.

*On the Part and Behalf of the State of Georgia.*

JNO. WALTON, 24th July, 1778.

EDWD. TELFAIR,

EDW. LANGWORTHY.

[Note.--From the circumstance of delegates from the same state having signed the Articles of Confederation at different times, as appears by the dates, it is probable they affixed their names as they happened to be present in Congress, after they had been authorized by their constituents.]

EXTRACT OF A LETTER FROM EX-GOVERNOR W. G. D. WORTHINGTON.

I HAVE examined "BURLEIGH'S LEGISLATIVE GUIDE," and find, as its name implies, that it is indispensable for every legislator who desires to establish a uniform system of rules for conducting public business throughout the United States. In my humble judgment, every State Legislature will immediately adopt it as their standard as soon as the merits of the work can be known.

W. G. D. WORTHINGTON.

I AM convinced that the "LEGISLATIVE GUIDE" will prove a valuable text-book for collegiate students, and will use it as such at St. Timothy's Hall, believing that every young American ought to be acquainted with the routine of order appropriate to legislative assemblies.

L. VAN BOHKELEN, *Rector*.

St. TIMOTHY'S HALL, Catonsville, Md., Feb. 26, 1852.

Ex. of Letter from Hon. J. C. Legrand, Ch. Justice Court of Appeals, Md.

BALTIMORE, Feb. 9, 1852.

THE plan of the Legislative Guide enables the student or legislator to discover, with facility, the rule and reason for it, in each particular instance, and must, therefore, be of great value to legislative and other deliberative bodies.

JNO. CARROLL LEGRAND.

At a meeting of the School Commissioners of Baltimore held Feb. 10, 1852, the following resolutions were UNANIMOUSLY adopted: *Resolved*, That the American Manual;—that the Thinker;—that the Practical Spelling Book by Joseph Bartlett Burleigh, LL. D., be introduced into the Public Schools of Baltimore.

J. W. TILYARD, *Clerk Com. Pub. Sch. Balto.*

At a meeting of the Controllers of Public Schools, First District of Pennsylvania, held at the Controllers' Chamber, on Tuesday, December 10th, 1850, the following resolution was adopted:—

*Resolved*, That the American Manual, by Joseph Bartlett Burleigh, be introduced as a class-book into the Grammar Schools of this District.

ROBERT J. HEMPHILL, *Sec.*

PHILADELPHIA, Nov. 13, 1851.

At a meeting of the Controllers of Public Schools, First District of Pennsylvania, held on Tuesday, Nov. 11th, 1851, the following resolution was adopted:

*Resolved*, That the "Thinker," by Joseph Bartlett Burleigh, be introduced as a class-book into the Public Schools of this District.

ROBERT J. HEMPHILL, *Sec.*

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I have examined the "American Manual" with much interest, and it gives me pleasure to say that I highly approve of it. A text-book prepared by a man so distinguished for scholarship, experience, and success in teaching, as President Burleigh, cannot fail to secure universal favour. The general arrangement of the work is regular. The marginal exercises and questions placed at the foot of each page, greatly facilitate the labour both of the teacher and scholar, and serve to interest the mind of the latter, in the acquisition of knowledge. The statistical tables are also valuable, and the appendix serves as a key to the whole work, which renders it complete. It is a book which, in my opinion, should be placed in the hands of every American citizen.

ROBERT KERR,

*Principal of West. Female High School, Balt.*

I have examined with care the "American Manual." The chasteness of thought, and simplicity of style, in the articles accompanying the Constitution, highly recommend its use as a school-book.

The marginal exercises are a new and important feature, which, I am convinced, will aid the teacher very much in his arduous labours, by exciting the pupils to investigate and reflect. This arrangement will also enable them, by easy and gradual steps, to obtain a great command of language.

I hope, therefore, it may receive a circulation commensurate to its merits.

D. A. HOLLINGSHEAD,

*Instructor of History and Belles-Lettres in the Western Female High School, Balt.*

I fully concur in the foregoing recommendation.

JAMES HARSHAW,

*Prin. Pub. Sch. No. 9.*

Gentlemen:—I have examined President Burleigh's "Commentary on the Constitution of the United States." I consider it the best work of the kind extant; and it is, beyond a doubt, admirably adapted to the use of schools. The style is neat, perspicuous and elegant; and the marginal exercises will be found to confer a benefit similar to that derived from the study of the ancient languages. I shall introduce the book into my school early in September next.

D. JONES,

*Prin. Classical Academy, Eutaw Street, Balt.*

Gentlemen:—I have, with great pleasure, examined the "American Manual," and am prepared to say that it is every thing it purports to be. The design and execution are both admirable. If it be desirable that our civil duties and relations should form a subject of study in elementary schools, (and that they should, I presume, no one will pretend to

doubt,) President Burleigh has unquestionably accomplished a most laudable work. His questions are well adapted to the subject matter, and will have the effect of drawing the mind of the youngest learner to it; while his marginal exercises cannot fail to achieve that which every teacher feels to be a desideratum, to wit, the means of compelling pupils to attend to the import of words. As the best proof of my entire approbation of the work, I shall take the first opportunity to organize a class with that as a text-book.

M. SPENCER,

*Principal of the Mayland Institute.*

I cordially concur in the above recommendation.

BENJAMIN G. FRY,

*Principal of Union Female Seminary, No. 30 Hanover Street, Baltimore.*

I have critically examined the American Manual. Having taken much pains in ascertaining the true tenor of the republican institutions of my adopted country, I had previously read the leading authors on government with much satisfaction, but I have not met with any work in any language, that so clearly, so concisely, and so beautifully conveys to the mind, the principles of political science. The marginal exercises afford much and valuable assistance to the foreigner in acquiring a knowledge of the English language. The exercises also afford to the mental powers a similar discipline that is obtained in studying the ancient classics. The questions are so remarkably well adapted to the subject, that, while they assist the teacher, they also lead the pupils to reason and reflect for themselves.

I hope the Manual will be not only universally used in America, but also in Europe.

A. FREITAG, L.L.D.

*Professor of Modern Languages in the Central High School, and of German in St. Mary's College.*

I have carefully examined the American Manual. The general plan in putting questions to make the pupils see the cause and result, is the same that I myself have pursued for many years past, and I need hardly say that the work meets my most unequalled approval.

The conciseness and beauty of the style, the unequalled excellence of the marginal exercises in drawing out the mind, and thoroughly disciplining the mental powers, and training the pupils to reason with accuracy and precision, renders it, in my opinion, the best school-book extant.

I shall introduce the work into the Seminary over which I preside at the commencement of the next session.

D. R. ASHTON,

*Fifth below Arch St.*

*Philadelphia, July 5th, 1843.*

I have examined the American Manual, and heartily concur with Professor Ashton in regard to its merits, and shall also introduce it



into the French Seminary for Young Ladies, over which I preside.

C. PICOT,  
No. 15 Washington Square.

After a very careful examination of the American Manual, by J. B. Burleigh, I can freely say that I consider it a performance of superior excellence. It embodies a fund of information, surpassing in importance and variety that of any other work which has come under my notice. It is happily adapted to the wants of children in families, pupils in common schools, and students in higher seminaries; it is also equally well calculated to afford entertainment and instruction to adults in every sphere of life.

JOHN ALLEN,  
Principal of the Female Seminary, No. 274  
North Seventh Street.

*Extract of a Letter from Professor Brooks.*

The comprehensive view of politics in general, which the American Manual presents, its excellent commentary on the Constitution of our Republic, and the clear exposition of the duties of magistrates and citizens, the sound morals which it inculcates, with its questions, marginal exercises, &c., entitle it to high consideration. I take great pleasure in commending it to the public, and especially to those engaged in the education of youth.

N. C. BROOKS,  
Principal of the Balt. Central High School.

We heartily concur with Professor Brooks in the above recommendation.

JAMES MINTIRE,  
Professor of Mathematics.  
EDWARD DUFFY,  
Professor of Belles Lettres.

We have examined the American Manual with a great deal of pleasure, and as a text-book for school purposes it is unquestionably one of great merit. We think that Mr. Burleigh has placed the profession under deep obligation. The arrangement of the book is such as greatly to facilitate the labour of instruction, and no candid mind can look over its pages without coming to the conclusion, that the work is the best of any yet published to promote among pupils generally an exact and thorough knowledge of the principles of Republican government.

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Prin. Male Pub. School, No. 6.  
TIMOTHY CRIMMIN,  
Teacher of Mathematics.  
M. CONNOLLY,  
Prin. Male Public School, No. 1.  
M. M'CONKY,  
Prin. Female Public School, No. 1.  
E. ADAMS,  
Prin. Female Pub. School, No. 6.  
R. CONNOLLY,  
Prin. Male Pub. School, No. 3.

Baltimore, June 14th, 1848.

Having examined the American Manual by J. B. Burleigh, — I think it a work superior to any I have met with upon the same subject, admirably adapted to the purpose for which it

is intended, and I shall introduce it as a text-book into my school.

EDMUND SMITH,  
Principal of Franklin Hall.

*Extract from the Literary Pioneer of May, 1848.*

Every child should be possessed of the information the American Manual imparts, to be enabled to exercise *understandingly*, at a proper time, its privileges as a citizen of the United States.

*Extract from the Frankford Herald*

We have no hesitation in asserting our opinion that the Manual fills a vacancy which has long been observed in the text-books of our schools and the popular literature of our country. Every teacher will, we think, find this book just what he wanted to assist him in preparing his pupils to assume the duties and responsibilities of citizenship. As a book of reference and authority this work will be found worthy of a place in every library. While the questions, definitions, and other marginal exercises, together with the statistical tables and appendix, will render the American Manual a book of incalculable value in disciplining the young mind, and in developing and strengthening the moral and intellectual faculties. A lawyer by education, and a teacher from choice, Mr. Burleigh possesses at the same time a consciousness of what was needed, and the ability to supply it.

*Extract from the North American and United States Gazette.*

We have before us one of the latest productions of a mind devoted to the instruction of youth; it is entitled the American Manual, and contains a great amount of valuable everyday political information. The author has, in our opinion, prepared a work which will be found of great value in the school, and on a plan which must give importance and utility to any reading book intended for scholars.

*Extract of a Letter from Professor S. C. Atkinson of Baltimore.*

The marginal exercises are ingenious, and useful to the pupil, promoting not only copiousness and variety of expression, but also a minute examination of the critical meaning and derivation of words. The questions are of great value, by promoting attention and research. They also aid the teacher in the right mode, by connecting each reading exercise with reflection and investigation. The work is exceedingly valuable as a school book, and scarcely less so as a convenient, well-arranged, family reference book. So far as my observation extends no school book is so well calculated to enlarge and ennoble the mind of youth as the American Manual.

*Extract of a Letter from Professor Gilbert Coombs, Philadelphia.*

The examination of the American Manual has been decidedly a work of pleasure. If for no other cause, the youth of our day have reason to hold the author's name in high esteem, for the preparation of this invaluable work.

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by preparing the American boy to act the part of a sovereign citizen, either in the place of authority as an officer, or as a private individual; and the American girl for enunciation at the fireside of the principles of true patriotism and virtue.

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*Extract of a Letter from Harlow W. Heath, L. L. D., for many years Secretary of the Board of School Commissioners of Nelson County, Virginia.*

The author has, in my opinion, prepared a work which should be introduced into all our schools and seminaries of learning, and placed in the hands of every citizen; the comprehensive view of politics which the American Manual presents, its excellent commentary on the Constitution, the clear exposition of the duties of magistrates and voters, the high tone of moral sentiment which it contains, with the excellent arrangement and plan of the work, admirably fits it to meet the wants of all in appreciating and understanding the real nature of the bond of our glorious Republic.

*Extract of a Letter from Professor Sieker.*

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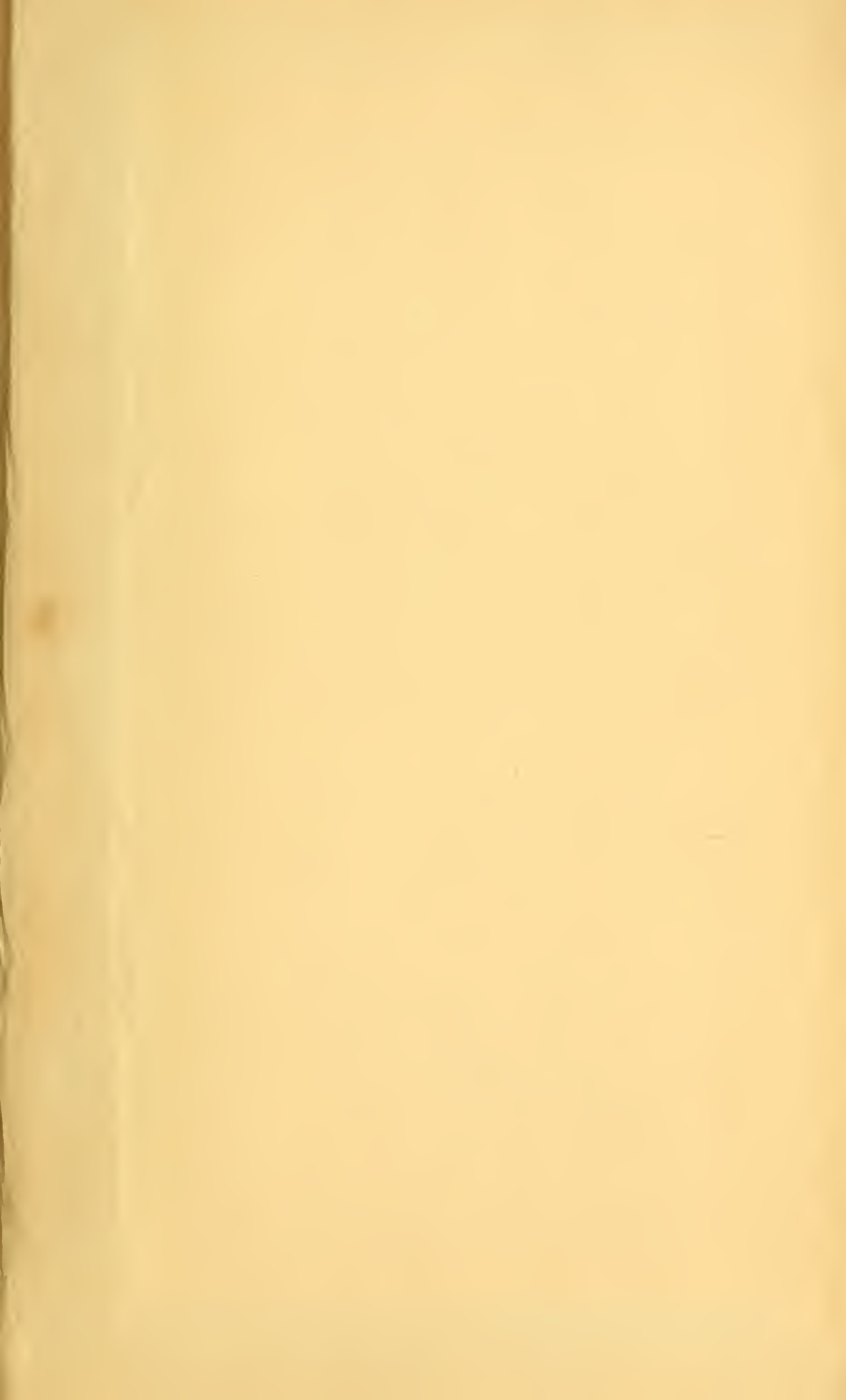
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